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THE SEVERANCE TAX AND KINDRED EXACTIONS[1]

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Little Rock, Arkansas

Introductory

To any student of political science who, for the first time, examines the revenue system of the average American State, the most interesting phenomenon he finds is the multiple character of the taxes provided for.

The discussion of any taxation problem is opportune in view of the gathering momentum of the eternal quest for more prolific sources of revenue. The present Federal, State and local fiscal resources are strained to the breaking point.

It is opportune also for the further reason that the dire experience of the financing of the Great War has brought home to this nation, and to the other less fortunate participants, the importance of the conservation of material resources.

In the foundation stones of the typical fiscal edifice are recognized the well known outlines of the general property tax; but upon and around this substructure there has been erected an anomalous and often incongruous variety of

[1]Presidential address at the Third Annual Meeting of the Southwestern Political Science Association, at Norman, Oklahoma, March 23, 1922.

gingerbread work in the form of numerous supplemental taxes.

It happens that in three of the six states composing the Southwestern Political Science Association there has recently come into public notice the unique form of taxation which is the subject of this sketch.

In Louisiana, Texas and Oklahoma the prominence of the special Tax which we shall undertake briefly to discuss marks these commonwealths as veritable laboratories for experimentation in this particular field of public finance. Before generalizing upon the principles involved in the structure and administration of the tax in question, let us analyze and describe six of these interesting specimens in the following order:

The Oklahoma Gross Production Tax,
The Louisiana Severance Tax Law,
The Texas Gross Receipts Tax,
The Alabama Tonnage Tax,
The Pennsylvania Output Tax,
The Minnesota Occupation Tax.

The Oklahoma "Gross Production" Tax

The present Act, approved Feb. 14, 1916, was an amendment to Chapter 107, Laws of 1915. It requires every person, firm, association or corporation mining asphalt, lead, zinc, jack, gold, silver or copper ores or producing petroleum or natural gas, to file sworn quarterly statements with the State Auditor showing the location of each mine or well operated by the affiant during the next preceding quarter, the kind and amount and value of production. At the same time he must pay the auditor a tax equal to *one-half of one* per cent on the gross value of ores and *three* per cent of the gross value of oil or gas, excluding royalty interests.

The auditor is given express power to ascertain by his own investigation whether the taxpayer's return is true and correct.

Payment of the tax is by the statute declared to be "in full and in lieu of all taxes by the state, counties, cities,

towns, townships, school districts and other municipalities upon any property rights attached to or inherent in the right to said minerals, upon leases for mining" of the natural products named, and "upon the mining rights and privileges for the minerals aforesaid belonging or appertaining to land, upon the machinery, appliances and equipment in and around and actually used in the operation of any well or mine," also "upon the oil, gas or ores...during the tax year in which same is produced, and upon any investment in any of the leases or other property" connected therewith.

The State Board of Equalization upon its own initiative or the complaint of the taxpayer, may take testimony to determine whether the taxes imposed by the Act are greater or less than the general *ad valorem* tax for all purposes would be on the property of such producer subject to taxation, including the value of the lease, machinery, equipment, etc., used in the actual operation of the producing mine or well; and the Board must then raise or lower the rates herein imposed conformably. An appeal is afforded to the Supreme Court if taken before the tax has been collected and distributed.

Collection of the tax, if delinquent, is by the sheriff under a warrant of the Auditor, all the property of the taxpayer connected with the production being subject to levy therefor as upon execution.

The tax is a lien upon the property of the taxpayer until paid, and recovery may be had by suit. The gross production tax becomes delinquent thirty days after the expiration of each quarter, whereupon a penalty of eighteen per cent per annum attaches.

The Louisiana Severance Tax Law

The Act (No. 31, approved June 30, 1920), levies a license tax for 1920, and for each subsequent year "upon each person, firm, corporation or association of persons engaged in the business of severing natural resources from the soil or water." All forms of timber, turpentine and

other forest products, and minerals, such as oil, gas, sulpher, salt, coal, and ores, marble, stone, gravel, sand and shells are specifically included.

The tax is collected quarterly by the parish tax collectors and paid into a special account known as the "Severance Tax License Fund." The license to operate in each quarter is based on the market value of the quantity severed in the last preceding quarter annual period.

There must be filed within 30 days after the expiration of each quarter, with the Supervisor of Public Accounts, sworn statements of the business conducted by the taxpayer, showing the kind, location, quantity and cash value of the natural resources so severed or produced. A duplicate statement must be filed with the tax collector of the parish where the resource is taken and a license tax paid equal to two per cent of the gross value of the total production during the preceding quarter.

Payment is made by those actually engaged in the operation of severing, whether as owners or lessees. Provision is made for verifying by the supervisor of the statements, and for ascertaining the facts where no statement has been filed. The license tax becomes delinquent after the lapse of the 30 days for making report.

It is expressly enacted that "the payment of the license tax shall be in addition to and shall not affect the liability of the parties so taxed for the payment of all state, parochial, municipal district and special taxes upon their real estate and other corporeal property."

The supervisor has power to compel the production of books and records of the taxpayer, if necessary, to ascertain the amount of the tax.

Collection by distraint against delinquents, as in the case of general license laws, is provided for, and false swearing is made punishable as for perjury.

Collection may be enforced by the Supervisor.

Quarterly sworn statements are also required from all purchasers of natural products severed from the soil, under penalty of from $50 to $500 for each offense.

The Texas "Gross Receipts" Tax

The Texas law is the conventional type of license tax upon gross receipts, and the present law (in force since 1907) includes within its purview a multitude of businesses and occupations. It does not include forest products, but Article 7383 covering petroleum, reads as follows:

"Each and every individual, company, corporation or association,.... which owns, controls, manages or leases any oil well within this State shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller of Public Accounts, under oath, ...showing the total amount of oil produced during the quarter next preceding and the average market value thereof. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to one and one-half per cent of the total amount of all oil produced at the average market value thereof, as shown by said report."

Failure to report is penalized in a sum not exceeding $1,000, and delinquencies incur a penalty of ten per cent, to be recovered by suit by the Attorney General.

All taxes levied by this chapter are expressly declared to be in addition to all other taxes now levied by law.

The Alabama "Tonnage Tax"

The Alabama license tax law is very similar to that of Texas, and the monthly tonnage tax on coal and iron ore is typical of some hundred or more occupation taxes, and appears in the published laws of 1919 as follows:

Schedule 66. Mining Coal.—Every person, firm, corporation, partnership, joint stock company or association engaged in the business of operating a coal mine shall pay to the State Treasurer for the use of the State a license or privilege tax, by the twentieth day of each month, for the privilege of operating such coal mine during the current

month in which such payment is due, an amount equal to *two* cents per ton on all coal mined during the last preceding month in which such mine was operated, according to the run of the mine...but no such tax shall be paid to any county in the State; provided, this shall not apply to wagon mines which do not load said coal in or on railroad cars, boats or barges.

Schedule 67. Mining Iron Ore.—Every person, firm, corporation, partnership, joint stock company or association engaged in the business of operating an iron ore mine shall pay to the State Treasurer for the use of the State a license or privilege tax, by the twentieth day of each month, for the privilege of operating such iron ore mine during the current month in which such payment is due, an amount equal to *three* cents per ton on all iron ore mined during the last preceding month in which such mine was operated,.... but no such tax shall be paid to any county in the State.

Additional provisions require sworn monthly reports of tonnage output; make the operation of unreported mines or on which the license tax is not paid or is past due, a misdemeanor punishable by a fine of from $10 to $500 and "sentence to hard labor for the county for not more than six months;" and require sworn statements from purchasers or consignees of coal and iron ore for transportation or use under like penalty.

The Pennsylvania Output Tax

The recent Pennsylvania law, approved May 11, 1921, is a short Act and makes it the duty of the individual, superintendent or officer in charge of any mine to assess a tax of *one and one-half* per cent of its value on every ton of anthracite coal when mined, washed or screened and ready for market.

Before Feb. 1, the mine official must make written report to the Auditor General of the number of gross tons taxable, and the assessed value thereof during the preceding calendar year and the amount of tax thereon.

Upon failure of such report to the Auditor General, the State Treasurer levies the tax upon information and may require the taxpayer to produce books and papers.

Payment of the tax into the treasury of the commonwealth must be made within sixty days from the date of the settlement of the account under a penalty of ten per cent. After it is due the tax bears interest at one per cent per month until paid.

False statement is punishable by a fine of $500 and imprisonment of one year, or both.

The Minnesota "Occupation Tax"

The latest of a series of Acts providing a tax on the output of mines in Minnesota was approved April 11, 1921. It imposes "an occupation tax equal to *six* per cent of the valuation of all ores mined. . . . in addition to all other taxes. The occupation tax is payable on May 1, based on the report for the preceding calendar year due to be filed on Feb. 1.

The Tax Commission is to value the ore and fix the tax, and in the absence of a voluntary report from the taxpayer may ascertain from its own investigation the facts upon which the tax shall be assessed, with a ten per cent penalty. Enforcement is lodged with the Attorney General. Books and records must be exhibited on demand of the Tax Commission.

All the taxes go to the general revenue fund.

Tonnage tax legislation, so called, had been before every session of the Minnesota legislature since 1907. In 1909 a bill imposing a tax of from two cents to five cents per ton on all ore, the rate depending on quality, in lieu of other taxes for State purposes, was passed, but was vetoed by Governor Johnson.

That the vast iron-ore deposits in northern Minnesota are a stage heritage and that the people are entitled to a considerable additional revenue from this source on this account and also in view of the rapid depletion of the merchantable ore bodies, was the chief contention of the proponents of the supertax measure.

The opposition claimed that the mines already pay a supertax, in that ore is assessed at fifty per cent of full value under the classified assessment law while other property is assessed at from twenty-five to forty per cent of full value, the average being about thirty-three and one-third per cent. Discrimination against the northern part of the state and in favor of the agricultural regions to the south and west was also urged.

The present tax in Minnesota, it is seen, is an unblushing supertax, not on mere tonnage, but on the valuation of the output. Its estimated annual yield is over $18,000,000. When we consider that the mining properties of that State already pay in *ad valorem* taxes more than $15,000,000 annually, it is likely that the law will be tested in the highest court of the land.

Examples of the Tax Elsewhere

Though bearing the name of "severance" tax in Louisiana alone, the exaction finds a counterpart in a number of states and countries. Only a few examples suffice to show the analogy.

In Great Britain a *two per cent* royalty is paid directly to the crown on the output of gold mining.

In Canada, the different provinces have regulations of their own, Nova Scotia imposing a *two per cent* tax paid to the crown on all minerals produced. In Ontario, Act of 1907, net profits are the basis of the tax and a flat rate of *three per cent* is levied on profits above $10,000. Natural gas is taxed two cents per 1,000 feet. The total revenue of the province in 1917 from mining sources was $1,731,720.

In Mexico, under the tax law enacted June 27, 1919, there are three kind of taxes: First, on the mining property; second on the metals produced; and third, on smelting, assay and coining. The first tax is based largely upon the unit of ore, called the pertenencia, the annual rate being graduated, beginning with $6.00 per pertenencia from one to five, and increasing until the rate is $18.00 per pertenencia over 100.

In addition to the Federal tax, individual States in

Mexico may assess a tax on production of metals not to exceed two per cent *ad valorem.*

In Colorado, as a combination of property and privilege tax, "the output tax" amounts to *one per cent.*

Montana since 1879 has levied a property tax on the net proceeds of mines plus the separate value of machinery and improvements.

Annual Yield

Some idea of the productiveness of the severance tax in Louisiana and of the similar exactions in some of the other States is conveyed by the following official data:

Louisiana—	
1916	$ 52.00
1917	100.00
1918,	888.89
1919	3,238.18
1920	2,862,354.51
1921	1,590,520.28
Oklahoma—	
1920	6,989,925.03
Texas—	
1919	$1,868,280.00
1920	3,877,965.00
1921	4,847,793.00
Alabama—	
1920	$ 469,578.00
1921	366,076.00
Pennsylvania—	
1921 (est.)	$7,000,000.00

A typical quarter-annual statement of the yield in Louisiana, is added to show the species, quantity, total values of the products involved and the tax yield of each:

Product	Quarter Ended December 31, 1921 Quality		Total Value	2% Tax
Timber	696,320,583.00	feet	$ 4,043.016.04	$ 80,858.74
Turpentine	65,417.50	bbls.	196,252.50	3,925.05
Oil	5,226,564.32	bbls.	8,564,646.59	171,292.67
Gas	15,838,095,717.00	cu. ft.	465,313.77	9,306.22
Sulphur	275,485.00	tons	2,479,365.00	49,587.30
Salt	61,735.66	tons	29,603.49	1,852.06
Gravel	293,054.63	tons	131,874.66	2,637.48
Sand	66,379.66	tons	29,848.24	596.87
Shells	53,429.18	tons	27,820.32	556.40
			$16,030,740.61	$320,612.89

The Rationale of the Severance Tax

Agitation for the enactment of a severance tax has been prompted in several states, mainly by consideration of the necessity of conserving our natural resources. The theory has been that owing to the limited supply of the basic resources, which have been accumulated by the gradual operations of nature, definite restriction should be placed by the State upon their utilization. Even though held under private ownership, all waste or extravagant depletion should be prohibited, and a specific tax levied upon such products when and as "severed from the soil" would tend to retard undue consumption.

This theory, while sound, perhaps when addressed to the broad public policy of the State or Nation, may or may not hold good when borrowed and applied by the Revenue Department. Let us see.

Legal Status

Three general classes of taxes have found exemplification and judicial approval in this country, viz.: (1) a property tax, i. e., one based on capital value; (2) a business or privilege tax, and (3) an income tax.

For many years the privilege tax domain has been invaded by both federal and state governments, while that of the general property tax has been preempted by the states.

The income tax has of late been jointly appropriated by the federal government and by several commonwealths.

Constitutional restrictions must often be reckoned with in the selection of any proposed tax. As far as the federal constitution controls, these restrictions are few but far-reaching. These Federal inhibitions are that no person shall be deprived of property without due process of law (Amendment No. 5) construed to apply to Acts of Congress only, and repeated in the 14th Amendment as respects the powers of the States, with the added bulwark of "equal protection of the laws." Most State Constitutions expressly require "equality and uniformity" in taxation; but in certain others, notably New York, Rhode Island, Connecticut and Vermont, no constitutional restrictions exist, and the Legislature is left to prescribe with a free hand any system of taxation which will not offend the principles of natural justice.

The privilege or occupation tax does not fall within the purview of "equality and uniformity" requirements. Indeed there are very slight limitations upon the character of any privilege tax a State may choose to adopt in devising its internal revenue scheme. A distinguishing feature is, however, that the privilege tax is paid in advance. Its payment is a condition precedent to the lawful performance of the act or to engaging in the business for which the tax or license fee is exacted. Notable instances of business taxes are, the franchise tax on corporations; the Federal capital stock tax, and occupation taxes familiar to all, and applicable to the businesses or professions of individuals or corporations.

A Privilege, not a Property Tax

It is within the class of the privilege or occupation tax that the severance tax belongs. In every State where it exists the tax is levied expressly upon or for the privilege of carrying on certain business transactions. For this reason, and in the absence of the iron-clad shackles of property tax-

ation, there is a great disparity in the ultimate burden imposed by the tax under consideration.

In Oklahoma, for example, the tax is levied on the gross production of oil and gas and of certain minerals, but it is in lieu of property taxes on the equipment or machinery at the mines or well. In Texas, where the corresponding exaction is expressly declared to be a privilege tax on "gross receipts," there is no relief against the concurrent operation of the general property tax upon the same property.

The Louisiana severance tax is also an impost laid over and above the general tax. Indeed, the present compromise rate was reached in 1916 by Governor Parker after prolonged negotiations with the oil interests. The State had been clamoring for a four per cent rate, but the concession to two per cent was finally made in recognition of the fact that payment of the severance tax in no way affects liability for general taxes.

In Pennsylvania the recent anthracite coal levy of six per cent is superimposed upon the general property tax.

The point must be emphasized that there is no relationship between the privilege and the property tax. Indeed the body of the law adjudicating these two distinct classes of taxes has been separately developed, so that the principles upon which the two taxes rest are recognized to be distinct.

Neither does it avail as a matter of law to say that the privilege tax results in imposing a final burden heavier than that borne by other business interests whose operating property is of the same value. The tax is a *quid pro quo* exacted in return for a privilege; it is not a levy upon property itself. Hence it is that although the Pennsylvania tax means an additional burden of $7,000,000 upon the coal industry in that State and thus augments substantially the total tax account of the operators, it will not on that ground be held unconstitutional. The fact that no privilege tax whatever is imposed upon other business interests of that State representing corresponding capital investments will not vitiate the tax upon the industry selected. "A state may have a policy in taxation."*

*Ft. Smith Lumber Co. vs. Ark., 251 U. S., 532.

Is Conservation a Sound Basis for a Fiscal Tax?

The question then recurs as to whether the idea of conservation is a proper and legitimate basis for any form of a tax; and if so, to what extent may the machinery of taxation be put in motion by a public policy of conservation.

If natural resources, accumulated by the slow development of the ages, are a heritage of the race and not merely of one generation, then certainly a privilege tax by the sovereign is justified on the sheer ground of self-preservation. Wanton destruction of timber, with no provision for reforestation, will in time transform the virgin forest into a howling desert.

No less authority than Gifford Pinchot has recently declared that an area in the State of Pennsylvania equivalent to the entire domain of New Jersey is now without trees, either present or prospective, and is hence a desert and of no useful value. No one who has traversed the States of Colorado and Nevada and other Western States and gazed upon the abandoned mining camps, has failed to perceive of what little value such areas are after the severance of the mineral contents from the majestic mountain sides.

The conclusion therefore follows that, if upon no other ground, a severance tax is eminently justified for regulating and controlling the rate of exhaustion and the method of utilizing the resources of forest, field and mine.

Such a tax, moreover, incidentally provides authoritative statistical data so that periodic inventories may be had of our remaining wealth. The recent experience in financing the Great War showed the supreme necessity of an intimate knowledge of the material and economic resources of State and Nation. The Government could not commandeer its resources without the co-operation of the States and of their local subdivisions. And so any extensive program of conservation must depend upon the articulation of the massive federal machinery with the minuter instrumentalities of the States.

Granted then that a privilege tax for severing natural

products from the soil is justified from considerations of conservation, the question arises as to how far the State may go. May she impose an additional burden under the guise of conservation for the real purpose of furnishing funds for public purposes? *Or, must the rate be only nominal?*

What Is a Public Purpose?

These questions strike deeply into the heart of political science. What is a lawful public purpose, and what are the objects to which funds may be dedicated? This field has broadened immensely within the last decade, not only from the State viewpoint, but from federal as well. Today it is not uncommon to see the Government engaged in affairs which a generation ago were regarded as strictly of a private nature. There is a pronounced trend towards socialism that we cannot gainsay.

The most important phases of these activities are to be found in a broader program of education, in transportation, labor regulations and the public welfare, including health and the conservation of human life. Surely all of these functions are economically sound. If, then, the Government is to undertake these new and ambitious tasks, there must be tapped an adequate source from which the enabling funds are to be drawn. The recent years mark a tendency to let down the bars of constitutional control entirely in support of the cause of education. In my own State an amendment will shortly be voted upon which lifts all restrictions upon the amount of school taxes leviable. These tendencies merely indicate that so far as the public weal is is concerned the State is sovereign and paramount. She has unquestionably the power to legislate with respect to rights of private ownership. Indeed, property is not an absolute but merely a relative right. No man has a right to use his property or to waste or destroy it to the injury of his neighbor. *Sic utere tuout non alienum laedas.*

The corporate owner of a large timber tract has no moral

or legal right under the doctrine of conservation to waste or extravagantly utilize that forest for its own enrichment by destroying the seeds of a commodity which might serve the future generations of the race. Neither has a corporation or an individual the right to tap underground reservoirs of oil and gas and permit these valuable commodities to waste and lose their service to humanity.

Then, if the doctrine is sound that a fiscal tax on output is justified, and can be levied as a privilege exaction, there would seem to be no serious obstacle in the way of the employment of the severance tax as a supplemental source of revenue. In amount it should be sufficient when combined with the inadequately administered property tax to equate the burden of the affected industry with that of other business interests whose operations do not inevitably exhaust or deplete our economic wealth.

Expediency an Influential Factor

An administrative motive frequently prompting the adoption of an output tax on commodities is the technical difficulty of securing a reliable appraisal of hidden values. And so we reach the *argumentum ad convenientum.* Of all underground wealth, coal deposits are perhaps the easiest to survey and to measure while the content of oil lands, precious stones *in situ* and many of the metals are exceedingly difficult to determine.

An accurate or scientific valuation of natural deposits often involves quite a large expenditure of money. Unfortunately but few of the States have had the enlightened conception of the far-reaching value of an appraisal. As a result of a penny-wise and pound-foolish policy, many thousands of dollars in revenues are annually lost because of the crude and inadequate methods pursued in valuing mineral property for taxation.

The experience of Michigan, Wisconsin, Minnesota and Arizona and New Mexico in scientific valuation of mines for taxation may well be studied. But the limitations of this

paper prevents any excursions into this most interesting field.

Present Taxation of Timber Land Inadequate

Fred Rogers Fairchild, professor of political economy in Yale University, following his service with the Government in 1908 contributed the first notable document on the taxation of timber lands. (Proceedings of the Second Annual Conference of the National Tax Association, page 413). He points out that the general property tax is defective in a peculiar way in the case of all invested wealth which is either increasing or declining in value. The annual growth of trees, instead of being taken each year as income, is often left to increase the capital until many years later when the timber is cut and the income begins to accrue. Hence property tax strictly enforced must inevitably place an excessive burden upon forests as compared with the ordinary investments yielding regular annual incomes. Moreover, the administration of the forest tax is loosely performed by men having no special qualification. At best it must be superficial and inaccurate.

But timber lands are, as a rule, according to Professor Fairchild, grossly undervalued. In many instances property is assessed at a very small fraction, sometimes not more than one-thirtieth of the selling price. Assessment is combined with the high tax rate, that is, a rate which would generally result in excessive taxation if the property were assessed at its true value.

In a great majority of the cases investigated by the United States Forestry Service the annual tax was less than one per cent of the true value. Professor Fairchild declares that in many cases where taxation has been excessive it has hastened the cutting of timber and led to wasteful skinning of the land, often destroying the chance of a valuable second growth, sometimes leading to the abandonment of the land for delinquent taxes. On the other hand, where the tax burden has been small, taxation can, obviously, have had little effect on the management of the property.

The present burden of taxation in general cannot be considered excessive and there is no evidence to show that forests have been affected seriously by taxation. Indeed, there is much positive evidence to the contrary.

That the American forests have been cut off at a tremendous rate of late years, that the methods of cutting have often been wasteful and destructive of future growth, and that there is little tendency on the part of timber men to reforest cut-over lands, are facts which need no demonstration, but that taxation has had any large influence in bringing about these results is an inference apparently not warranted by the facts. This is a phase of the problem which has been greatly exaggerated in the public mind.

In discussing the problem of forest taxation the same authority says:

> "We may assume, without much danger of controversy, that all taxation should be based on income or earning power. The tax on income may be collected at the time the income accrues, or it may be in the form of an annual tax on the capital value of the income. If the rates on the income tax and the capital tax bear the proper relation to each other, these two ways of applying the tax produce indentical results."

Moreover, as declared by Professor Fairchild, the assessment of timber lands is notoriously inadequate. The cruising of timber lands requires technical skill, of a lesser degree, however, than does the valuation of hidden resources. Yet the initial cost is considerable and very few states, counties or localities have undertaken the work. Quite remarkable results have been achieved in the State of Washington and elsewhere, and are reflected in the increased receipts from taxation; but in a vast majority of states no attempt has been made to value standing timber for the use of the State.

The Severance Tax a Compromise

As a matter of convenience in administration, therefore, and to offset or compensate in a degree for the enormous

public loss through lack of an accurate appraisal, the severance tax may intervene as a satisfactory compromise to all concerned.

While in most States it is impossible under present constitutions to provide that the severance tax shall be in lieu of the general property tax, yet the practical effect of the addition of the severance tax will bring about the desired result otherwise lost because of the incomplete valuation under the general schedules.

To illustrate: In the State of Louisiana, where rich pools of oil have been recently discovered, it would be impossible to accurately appraise the oil leases. whther developed or not. Even if such an appraisal were attainable, it is doubtful whther taxing officials would have the courage to put on the assessment rolls the true values so ascertained. Yet the expedient of the severance tax will enable the State to secure a proper division of the realized income flowing from this peculiar property.

Such division of income will correspond roughly with the amount of the tax the property itself upon an adequate valuation should have yielded. Indeed, a differential favorable to the taxpayer is perceived in that the annual tax payments would be adjusted in accordance with actual income realized, and hence be less burdensome than under the pure property tax plan. A delay in developing or in the marketing of the product would not carry with the lean years the unrequited burden of taxation.

Conclusions

Our examination has been limited to only a few of the numerous existing statutes analogous to the so-called severance tax of Lousiana which impose special taxes upon the business of severing natural products from the soil.

But we conclude, from this investigation:

(a) That the enactment of such a tax is within the power and is a legitimate and proper function of any state whose constitution does not prohibit privilege taxes.

(b) That the tax as exemplified in this study is a privilege or license tax and not one on property.

(c) That it is justified primarily as a regulatory provision of public policy in the broad interest of conservation of economic resources.

(d) That it is further warranted as a purely fiscal or revenue agency, supplemental to or as the complement of the antiquated and inadequate general property tax.

In the language of Alexander Bruce, writing in the Pennsylvania Law Review, "Patriotic citizens are beginning to resolve in the affirmative the question—'Am I my brother's keeper,' and to recognize the existence of a common humanity and of a state and national solidarity. They are beginning to evince a concern for the generations that are to come and for the states and the nation of the future which those generations will compose. They are coming to realize, as never before, that the welfare of the state is the highest law; that the whole is made up of the sum of all its parts, and that if the individual citizen suffers and is retarded in growth and development, the state itself is to that extent weakened and undermined."

ARTICLE EIGHT OF THE LEAGUE OF NATIONS COVENANT AND THE WASHINGTON CONFERENCE[1]

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It took the World War to make the world want peace. It was a seething cauldron of ambition, of hate, of revenge, of lust, of murder, or arson, of piracy and of poison gas. It destroyed half the wealth of Europe. It left many nations groveling on the ground. It struck civilization a blow that brought it to its knees and left it groggy. When it was over the thoughts of men turned to peace. For the first time in history there seemed to be a universal desire for permanent peace, and greater progress has been made since the war toward achieving this desire than in all the ages of the past. Three stages of this progress stand out as paramount. The first and by far the most important is the League of Nations. By it and through it all the nations of the world except the United States, Mexico, Germany, Russia and Turkey have agreed not to go to war with each other, to respect each other's rights and to submit to conciliation or arbitration disagreements which may arise. For the time being the United States has withheld its membership in the League, partly because of its historic policy of isolation, partly because various groups of our citizens of European extraction have thought more of their European origin than of their American citizenship and partly because of malignant partisanship. I can not imagine, however, that these reasons, all of which are unsound, can permanently keep America from taking her place in the League of Nations.

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[1]Paper read at the Third Annual Meeting of the Southwestern Political Science Association, at Norman, Oklahoma, March 23, 1922. Judge Ames was formerly Assistant Attorney-General of the United States.

The second great step toward permanent peace is the establishment of the Permanent Court of International Justice. This court may in time come to play as important a part in the progress of the world as the Supreme Court of the United States has played in the progress of America. This court has been established by those nations which are members of the League of Nations, and pursuant to Article Fourteen of the Covenant of the League. American citizens participated in the formulation of the plan and an American jurist is a member of the court, but the United States officially did not participate in its creation and has not recognized its existence.

The third great step towards peace is the series of treaties which have been proposed by the Washington Conference. They are six in number, if we count as one the two treaties constituting the Four Power Agreement. Some of them are between all nine of the powers represented at Washington, while some of them are between less than the whole number.

The United States and Japan negotiated a separate treaty relative to the island of Yap by which our rights in that island are made substantially equal to those of Japan under its mandate and by which Japan agrees to send to the United States annually a copy of the report of its mandate which it is required to file with the League of Nations. There would never have been any occasion for controversy between the United States and Japan about Yap if we had joined the League of Nations.

Japan and China negotiated a separate treaty relative to the province of Shantung which Japan had wrested from Germany and which was left in the possession of Japan by the Treaty of Versailles. At that time Japan gave its word to the powers represented at Paris that it would restore Shantung to China, and this treaty merely carries out the promise which Japan then made to the United States and the other nations represented in Paris.

Two treaties respecting China were entered into by the nine powers represented at Washington, the United States,

Belgium, the British Empire, China, France, Italy, Japan, the Netherlands and Portugal. One of them is known as the open door treaty, and the other relates to the Chinese tariff, and they both go a long way towards insuring the peace of the Far East.

The Four Power Treaty was between the United States, Great Britain, France and Japan. The preamble recites that the treaty is entered into "with a view to the preservation of the general peace and the maintenance of their rights in relation to their insular possessions and the insular dominions in the region of the Pacific Ocean." By Article 1 the powers agree "to respect their rights" in the Pacific and in the event of any difference not settled by diplomacy "they shall invite the other high contracting parties to a joint conference to which the whole subject will be referred for consideration and adjustment." By Article 2 it is provided "if the said rights are threatened by the aggressive action of any other power, the high contracting parties shall communicate with one another fully and frankly in order to arrive at an understanding of the most efficient measures to be taken, jointly or separately, to meet the exigencies of the particular situation." We are reminded by this treaty very much of the famous Article X of the League of Nations by which "The members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled." This treaty is subject to whatever objections may be urged to Article X of the Covenant. By Section 1 the powers agree to respect their rights, and by Section 2 they agree to preserve these rights as against external aggression. Unless the treaty means this it means nothing, and if it means this it is merely a more loquacious way of uttering the guarantees of Article 10 of the Covenant. This treaty is subject to an objection that could not be raised against article X, namely, that it is an alliance between only four

powers, where the League of Nations is an alliance between all the powers of the earth. Under the Covenant there could be no aggression against a member of the League of Nations because all the nations of the world had agreed to the contrary. Under this treaty on the contrary there might be external aggression by any of the other numerous nations of the world. This while true theoretically is immaterial because the parties to this treaty, excepting the United States, are all members of the League of Nations, and are by it protected against external aggression from other members of the League. It seems to me therefore that this treaty has many advantages of the League of Nations, and that the objections which otherwise might be raised against it are removed by the fact that all the other parties to it are members of the League of Nations and in that way the United States receives the protection of the League of Nations as against any liability which it does assume by this treaty.

The United States, the British Empire, France, Italy and Japan entered into a treaty by which the use of submarines is limited, such a sinking as that of the Lusitania is declared to be piracy and the use of poison gas is prohibited. To this treaty they invited all other civilized powers to express their assent, thereby illustrating the advantage of a League of Nations.

The primary purpose however of the Washington Conference was limitation of armament, and its greatest achievement is probably the Five Power Treaty between the United States, the British Empire, France, Italy and Japan by which a ten year naval holiday is declared, and thousands of tons of capital ships are destroyed, the construction of fortifications and naval bases limited and a long step taken towards alleviating the financial burdens of armament and bringing about a will to peace. This treaty is in direct line with the agreement contained in Article 8 of the Covenant of the League of Nations, and carries out an obligation imposed by that Article upon the four powers agreeing with the United States. Article 8 of the Covenant is as follows:

"The Members of the League recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

"The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

"Such plans shall be subject to reconsideration and revision at least every ten years.

"After these plans have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

"The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

"The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programs and the condition of such of their industries as are adaptable to war-like purposes."

It will be noted that by this Article the members of the League recognize the necessity of a material reduction of armament. The United States had refused to join the League and had thereby refused to assent to this proposition. The war left it the only rich country on earth, as will appear by the following table:

Country	Assets	Liabilities	Net Worth
United States	300 billion	24 billion	276 billion
United Kingdom	120 "	38 "	82 "
France	93 "	51 "	42 "
Italy	36 "	18 "	18 "
Japan	24 "	1.3 "	22.7 "

(These figures are from the World Almanac, 1922.)

Having refused to join the League, with its enormous wealth it continued to carry forward a policy of naval expansion unprecedented in the world's history, and this in the face of the declaration by practically all the other nations of the world that a reduction in armament was necessary to maintenance of peace. This isolated policy of the United States was the cause of the burden of armaments, and would of course have been impossible had we joined the League of Nations. Calling this Conference therefore was a much belated recognition of our blunder, and it was nothing more than fair that we should be compelled to scrap 840,740 tons of capital ships against 289,100 tons for Japan and 583,375 for Great Britain.

Article 8 further imposes the duty upon the Council of formulating plans for the reduction of armament. By Article 4 Great Britain, France, Italy and Japan are made permanent members of the Council and the United States would have been a permanent member but for its refusal to join the League. It therefore by Article 8 became the duty of those four powers to formulate plans for disarmament. Obviously neither Great Britain nor Japan would reduce its naval armament while the United States was increasing hers, and therefore the attitude of the United States had delayed the possibility of disarmament from 1919 to 1922, had cost the world hundreds of millions of dollars and had substituted an atmosphere of suspicion and doubt for one of confidence and faith. It is a great achievement for the United States to do in 1922 what the balance of the world agreed to do in 1919. True the achievement is belated, true the delay has disturbed the peace of the world and cost hundreds of millions of dollars, but nevertheless it is a great achievement for a country to do its duty towards peace even though it be the last country in the world to fall into line.

Article 8 further commits the members of the League to devising means to limit the evil effects attendant upon the private manufacture of munitions and implements of war. The Washington Conference failed to take any action on this

highly important subject, and of course the balance of the world can not limit the private manufacture of arms unless the United States does likewise. It would be folly, for instance, for Great Britain and Japan and France to stop the private manufacture of munitions while the United States was allowed to continue it without limit. The result would merely be enormous profits for private industry in the United States and none for the private industry of those countries. It may well be asked why this highly important subject was not covered by the disarmament treaties when all the nations represented in Washington, except the United States, were committed to the doctrine.

I am heartily in favor of the ratification of all the treaties, but the overwhelming thought in my mind is not what we have accomplished by the treaties but how much we have delayed the rehabilitation of the world by not promptly ratifying the Treaty of Versailles and accomplishing the results which have now been accomplished, three years ago. After all it is Europe and not Asia which stands most greatly in need of rehabilitation. It is there we look for profitable commerce. It is there we go for the association with Christian nations. It is there where our ancestors were born. It is to Europe that we owe a debt of gratitude and to which we should now extend a free brotherly helping hand. And the fact remains notwithstanding the Arms Conference that we have declined the invitation to the Genoa Economic Conference, that we have declined to join the League of Nations, that we have declined to accept our place of influence, responsibility and friendship in the councils of the world. But the obligation still rests upon the citizens of America to compel its leaders to go forward to greater achievements and not be satisfied with a policy which will leave the United States merely one of the powers of the Pacific. We are not merely a Pacific Power. I do not think we deserve to be classed with Borneo and Sumatra and China and Japan. We are not a yellow people. We are not a race of quitters. Shall we stop where we are? Shall we close our eyes to the situation in Europe? Shall

we turn our face to the Pacific and our backs to the Atlantic? Our agricultural and livestock interests cry aloud for commercial intercourse with Europe—not with Asia. Our mining, manufacturing and industrial pursuits, one and all, need a European—not only an Asiatic—market. Our greatest opportunity for service to humanity lies in Europe. There old races have been released from their bonds and are struggling to stand alone in their new found freedom. There the burdens of armaments need to be reduced. The United States, the British Empire and Japan might have borne the burdens of naval armaments; but France and Italy and Poland and Russia and Greece and the rest can not much longer bear the burdens of great armies. The public debt of France has doubled since the armistice, and, I believe, every continental European country is getting deeper into debt every year. European civilization is staggering. It may be staggering to a fall. It can not fall without threatening our existence. And what do we do to help? We erect higher tariff barriers which interfere with Europe's ability to pay its debts to us and then we appoint a Commission to negotiate payment. As individuals we contribute to various charities to relieve starvation in Europe and then our government declines an invitation to the Genoa Economic Congress which might alleviate the causes of starvation. More than our money, Europe needs our co-operation, our counsel and advice. Centuries of discord and war have not left the countries of Europe too friendly with each other. We occupy a peculiar position. Our motives are not questioned. Many of our people have descended from every European race. Practically every European country is indebted to us. We are by far the richest country in the world. We are a Christian people. We are fairly free from animosity in our attitude toward European questions. These things can be said of no other nation and they would make our voice carry far—very far—in composing the troubles of Europe, just as our voice did carry far—very far—when we were speaking the ideals of mankind through the matchless words of Woodrow

Wilson. The League of Nations is the one and only organization in all the world through which every nation can confer with and co-operate with every other nation all the time for the preservation of peace—not only in the Pacific, but in all the world—and for the betterment of humanity everywhere. While we rejoice because of the great achievements of the Washington Conference, I devoutly trust that we will without delay go forward until we take our place by the side of other civilized countries in the League of Nations.

A SINGLE HOUSE LEGISLATURE[1]

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Government in its infancy had no regular and permanent form. For want of a sufficient fund of philosophy and experience men could see no further than the present inconveniences and thought of providing remedies for future ones, only as they arose.

I have not come before you to defend or criticise either the unicameral or the bicameral system of government. Both have their virtues, both their defects, and both have illustrated at one period or another in the history of the country what value they are to the states.

The subject of the single house legislature came into prominence in the fourteenth century, at which time England established her present form of Parliament with two houses. Up to the middle of the fourteenth century, the single house had reigned supreme. Single house legislation is an old subject, but a subject that is always with us—one that can not be kept in the background, because it has its great advantages, its future and its ancestry also.

Every traveler who, curious in political affairs, inquires in the countries which he visits how their legislative bodies are working, receives from the elder men the same discouraging answer. They tell him in terms, much the same everywhere, that the best citizens are little disposed to enter the legislature, that its proceedings are not fully reported and excite no interest, that a seat in it confers little social status and that for one reason or another the respect felt for it has waned.

The history of the single house legislature in Europe is varied. In France, at the end of the Revolution, the unicameral idea had many supporters, and the principle was incorporated in the constitution of 1791, and was continued in

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[1]Paper read at the Third Annual Meeting of the Southwestern Political Science Association, Norman, Oklahoma, March 24, 1922.

the constitution of 1793. It was discontinued in 1795, and until 1848, when it was again reverted to, though only for a brief interval. The most powerful men in France were its defenders. The arguments that these men had for the unicameral system were that it secured unity instead of duality in the organization of the legislative branch of government. They said two chambers mean two sovereignties. The law is the will of the people, the people can not have at the same time two different wills on the same subject, therefore the legislative body, which represents the people ought to be essentially one.

England had originally but one House of Parliament, the House of Lords. Then there was gradually created a feeble House of Commons, giving to England a bicameral form of government. By degrees the Commons grew stronger and stronger, until the House of Lords fell to be the second house, which now has no power to prevent any legislation that the Commons insist on. The bicameral system of government was purely an accident in England and the system now, with the House of Commons in power, approaches almost the unicameral system.

The Articles of Confederation provided for a single house, which was a failure, but because Great Britain had the bicameral system, the United States put two houses into its government. Our states and cities followed the same plan, and it became universal.

For three-quarters of a century, there has been a growing dissatisfaction on the part of the public with their legislatures, in particular, with the state legislatures in America. Yet little has been done in all that time to improve conditions. A modern movement, however, has carried through reforms in some states and promises to carry on further reforms throughout the nation. We should at this time, therefore, give special consideration to the weaknesses of our law-making bodies, and to the more or less drastic reforms for their improvements.

The principal criticisms of our state legislatures are: first, that the quality of the representatives, as a whole, is

poor; second, that the legislative organization and methods of procedure are so complicated and cumbersome that it is extremely difficult to accomplish anything in a satisfactory way; third, that the vast amount of work that ordinarily confronts a legislature, running from 1500 to 4000 proposed bills per session, is a burden too great for any group of human beings, regardless of their ability; and fourth, that there is still a great deal of corrupt lobbying at the state capitols.

To meet these weaknesses and evils, numerous remedies have been proposed. On the one hand there is the progress of direct legislation, in the form of the initiative and referendum, which would take much of the business of legislating out of the hands of the legislatures and put it into the hands of the voters. On the other hand there are the proposals for the improvement of legislatures. These two general remedies are frequently advanced together, but it is very doubtful if they will work together. For direct legislation means a weakening of the power and importance of the legislatures, and can lead to nothing but a lowering of the quality of the men who will represent the public.

Very few citizens care to have the honor of membership in a legislature when people have weakened its authority and responsibility by taking over to themselves the general power of legislating by direct vote. By way of improving the legislatures themselves, however, several remedies have found wide approval. One of the most important of these is the improvement of the quality of the members of these bodies, by reducing the number to be elected and by creating a better political intelligence and interest on the part of the public. Another proposal is the elimination of red tape, and clumsy methods of procedure in general, and the substitution therefor of practical organization and working rules. Other remedies, more difficult to formulate, would reduce the burden of proposed bills and develop the methods for better consideration of the more important bills which are acted upon. And finally, the corruption of lobbies is actually being met in certain states by remedies which elim-

inate private lobbying, and require full publicity from all representatives of special interests.

With this brief review of the general situation of legislatures, the matter of the single house or unicameral legislature may be considered. My definition for the single house or unicameral legislature is, that it is a system composed of one house, a certain number of members, elected for a stated length of time, to receive a remuneration for that work and that work only, to give their undivided time to the interest of the state, to be on the job every minute and to be qualified to hold that position, as law-makers of the state.

It is obvious that this proposed remedy is only one of a number suggested as concrete methods of improving the legislatures. The two-house or bicameral legislature has been so universally accepted, however, that a change to the unicameral plan would seem very drastic at first thought. The bicameral plan has been widely accepted as desirable on the theory or principle of checks. That is, one house serves as a check upon the other against hasty, ill-considered or oppressive legislation, whether or not the two houses represent different classes of society or different degrees of conservatism or radicalism. Those who favor the retention of this plan point out that the principle has been adopted by practically every nation of any importance on the face of the earth, and it has stood the test of time. Against the bicameral organization of legislatures, however, reformers in the United States argue that the principle which is advanced in its favor is antiquated, and as far as our states are concerned is quite obsolete. They point out that the original European bicameral legislatures grew out of the great Mediaeval division of society into upper and lower classes, and whether or not class lines may still be so broadly drawn in America, our legislatures certainly do not represent them as such. The establishment of the bicameral plan in our national government, it is argued, was the result of a compromise between large and small states rather than of any recognized principle of check. It is true that the jealousies of the states made the establishment of the Senate

necessary but no such reason compelled the establishment of a second chamber in the state legislatures.

Even if there were good theoretical reasons for dividing a legislature in two, those reasons fail when the experience of state legislatures is considered. For although it serves as a check, this division serves as a hindrance, an obstacle, to all legislative action, good or bad, rather than any protection of the public against undesirable legislation. Why, I ask, if a measure is adopted by a legislative body, elected by the people for that purpose, should it need to go to another legislative body, also based upon popular election? The executive veto and the power of the courts are sufficient check against oppressive legislation. Furthermore, a bicameral legislature doubles the cost of legislation for no good reason, and what is more important, divides the responsibility for good government.

In favor of the single house plan, there are now no less than sixty unicameral legislatures in existence in different parts of the world, including all of the Canadian provinces, except Quebec and Nova Scotia, all the Swiss cantons, several Central American States, the South African Union, Greece and Luxemburg. The English Parliament, as I said before, is now practically unicameral. The uniform experience of Europe certainly indicates that upper chambers tend either to sink into positions of insignificance or become effective checks upon the action of the more popular body. They are everywhere either a nullity or a menace.

A few attempts have been made to accomplish the change through constitutional amendments, as in Oregon in 1912 and 1914, in Oklahoma in 1914 and in Arizona in 1916. The attempts have been unsuccessful so far, although the large vote favorable to its adoption in Oklahoma shows the trend toward its probable acceptability. Governor Hodges of Kansas, in 1913, favored in a rather extreme proposal the adoption of the unicameral system. His plan was one representative from each district with the governor a member ex-officio. It occasioned much discussion, but it has not been favorably received. Many cities are now governed by a single-house legislature. Since the Civil War there has

been a decided tendency in all larger cities away from the two-chamber council, and the single-chambered legislative body for cities has distinctly worked in the most satisfactory manner. The experience of these legislatures, however, as compared with the experience of the bicameral legislatures has not been so universally good that it can be accepted as complete proof of the superiority of the single house, though in some instances it has been exceptionally progressive. Advocates of the bicameral legislature still maintain that there should be two houses to check each other and protect the public against the dominating power that a single house would have. They point out that one chamber often comes under the control of a few politicians and that this group can be checked only by a submission of all bills passed to a second house which is not under their control. They generally believe that if the two houses represent no different elements among the voters, that one of them should at least be elected for a longer term and thereby establish a more permanent and consequently more experienced body than the one elected for a short term. For the latter is susceptible to very quick changes of complexion, and is likely to be more radical. The desired improvement, they say further, is best accomplished by means of other reforms; and there would be little need for many drastic changes if the greatest reform of all, the development of an intelligent electorate and the consequent improvement in the calibre of the men they elect to office, were first accomplished. This can be accomplished, for if we have a unicameral form of government, men will specialize in government. This is a day of specialization. In this system you will get the best men for your state, men that know the needs and problems of a state. The compensation must be worth their work and study. The demand of the times is for efficiency, and efficiency is impossible with divided responsibility. Our legislatures are not expert law-making bodies, and it is often difficult to find in any of them even a small group of men prepared by training and experience, to undertake legislative work of the highest quality.

In review, I might suggest a few of the benefits to be derived from the unicameral system of government: first, we would have more efficient members; second, the reason for establishment of bicameral legislatures has disappeared—"classes"; third, we do not need a check now; fourth, bicameral form does not meet the requirements; fifth, responsibility can not be located with two houses; sixth, a few men can discuss questions with much more deliberation; seventh, it would do away with log-rolling; eighth, the state would save a vast amount of money; ninth, there would not be any need of political caucuses every night during the session. The unicameral legislature would certainly act more promptly and more decisively than the present plan. The making of your constitution, the greatest document ever written, was entrusted to one body.

DIVISION OF LATIN-AMERICAN AFFAIRS

FEDERALISM IN LATIN-AMERICA[1]

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When the Spanish colonies in America undertook, early in the nineteenth century, to gain their independence from the mother country, the political and economic situation in Latin-America pointed to the federal plan of government as the logical scheme of organization for the new political entities that were to emerge from the struggle. There were four main political divisions in Spanish America which seemed to offer natural bases for the establishment of independent units, for the enormous extent of the Spanish dominions, the sparsity of their population, especially of the white or half-breed population in whom the powers and duties of government had inevitably to center, and the tremendous difficulties of communication, made a union of all the Spanish American colonies, such as occurred in the British colonies of North America thirty-five years earlier impossible. Bolívar, it will be remembered, did indeed dream of a United Latin America, but this dream was never realizable.

The four vice-royalties of Mexico, New Granada, Peru, and La Plata were the natural divisions into which independent Latin-America might have been expected to fall. Within these major divisions there were captaincies-general and presidencias which constituted natural governmental units for the formation of federal states, since they had each had their own identity and governmental jurisdiction and organization before the period of independence. Though theoretically subordinate to the viceroy in military and administrative matters, a strong sense of localism and a dis-

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[1]Paper read at the Third Annual Meeting of the Southwestern Political Science Association at Norman, Oklahoma, March 24, 1922.

trust and dislike of the vice-regal authority made the subordination of the captaincies-general and presidencies to a centralized government at the seat of the former vice-royalty virtually impossible after independence. As a matter of fact we find early in the period of independence a division corresponding roughly to this division into vice-royalties. Mexico for a brief period during the reign of Iturbide comprised everything north of the Isthmus of Panama. Great Colombia under Bolivar's domination from 1819 to 1830 comprised the territory of the former vice-royalty of New Granada. The revolutionary government of Buenos Aires claimed jurisdiction over the territories included in the former vice-royalty of La Plata. Chile, however, having attained her independence first and having herself materially aided in the final overthrow of Spanish power in Peru, became an independent unit, separate from the vice-royalty of Peru of which she had been a part in colonial times.

But the conditions of the country, the strongly developed sense of particularism, and above all the personal ambitions of military chiefs, prevented the continuation of these natural groupings. Central America, largely distinct as the captaincy-general of Guatemala from the vice-royalty of Mexico, separated herself from that country in 1823. Great Colombia in 1830 broke up into the three independent countries of Venezuela, New Granada, and Ecuador. Bolivia, Paraguay, and Uruguay detached themselves from the government of Buenos Aires in the years following the earliest declarations of independence. There were thus, by the end of the second decade of the nineteenth century eleven independent states in Spanish America instead of four, as might naturally have been expected. Brazil, separated from Portugal in 1822, was at this time a centralized empire.

Of these eleven Spanish American states, five, Mexico, Central America, Venezuela, Colombia, and the Argentine were organized on the federal principle, for within these states the provinces had developed ideas of autonomy which made them hostile to any plan of centralized government. In some of the other states also, notably Ecuador, rivalries and jealousies between provinces, districts, and even munic-

ipalities threatened the establishment of effective centralized governments. In the years 1838 to 1842 the Central American Federation broke up into its component parts, owing to this same spirit of local rivalry and autonomy, and in 1886 Colombia, after a prolonged and bitter struggle between the federalist and unitarian factions, went to the opposite extreme and substituted the unitary for the federal scheme of government. This left but three Spanish American republics, Mexico, Venezuela and Argentina organized on the federal principle, to which was added in 1889 the state of Brazil after the overthrow of the empire. Of the protracted and interesting struggle between federalists and unitarians in the three Spanish American countries that have retained the federal principle of organization to this day, and of the repeated attempts to revive the Central American Federation, the most recent of which failed this present year when on the eve of accomplishment, it is impossible to speak within the limits of this discussion. All that can be attempted is a rapid summary of the outstanding features of the present-day Latin-American federations, Mexico, Venezuela, Argentina, and Brazil.

It is a platitude to say that in the organization of the federal states of Latin-America the constitution of the United States of North America served as a model. This was inevitable, since the Declaration of Independence of 1776 had exerted such a profound influence on the leaders in the struggle for Latin-American independence, since the United States had shown such unmistakable signs of sympathy with the Spanish colonies in that struggle and had promulgated the Monroe Dictrine as a protection against their renewed subjection by European powers, and above all since the United States was the only important country of the world operating under a federal constitution at the time the new republics were formed in Spanish America. Even Brazil, which at the time of her establishment as a federal republic had the constitution of the German Imperial Federation before her as a model, followed closely the ideas and even the phraseology of our own instrument. But it is a mistake to assume that there was in these

countries a mere slavish repitition of the text of our constitution without any reference at all to local peculiarities, or that such local peculiarities were not taken into consideration in the subsequent alteration and development of their constitutions. Above all, it is a mistake to assume, as is frequently done in stereotyped treatments of the government of these Latin-American states, that the actual operation of their constitutions, similar though they be in phraseology to our own, reflects an accurate image of the operation of our own constitutional federal system.

For purpose of convenience in a summary treatment such as this, the main features of federalism in Latin-America will be compared with federalism in the United States under four main heads as follows: The organization of the federal government; the constitutional distribution of powers between states and nation; the process of amendment; and the actual balance between central and local authorities.

In the organization of the federal government we may note first of all that the doctrine of the separation of powers as applied in our own constitution has been perpetuated in those of the Latin-American federations, indeed in three of them[1] it is expressly emphasized in a special article.

In the election of president we find an interesting variation in the provisions of the Latin-American federal constitutions. In the United States the federal feature is emphasized in the election of the chief executive by the device of the electoral college which makes each state a unit in the choice of the president and gives to each state two electoral votes corresponding to its representation in the Senate, in addition to voting strength according to population as evidenced by representation in the lower house. The development of political parties resulting in the electoral vote of each state being cast in its entirety for the candidate whose party polls the most votes in the state, no matter how small its lead may be, has still further emphasized the importance of the states as political units in this country. This device of indirect election is found only in the constitution of the

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[1]Mexico, Venezuela, and Brazil.

Argentine, the president being chosen by direct popular vote in Mexico and Brazil, and by the Congress in Venezuela. Both of these latter methods of electing the president were considered and rejected, it will be remembered, by the Philadelphia Convention of 1787.[1]

In the constitution of the legislature in the Latin-American federations, the bicameral principle has been followed and the federal principle of equal representation of the states in the Senate has likewise been adopted. Each state is represented by two senators, save in Brazil where there are three. The earlier United States practice of election by the legislatures of the states is followed in the Argentine and Venezuela, but in Mexico and Brazil direct popular election of senators is found, as in the United States since the adoption of the seventeenth amendment. None of the Latin-American federations has adopted the six-year term for sen-

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[1]There are other divergencies from the North American model in the organization and position of the executive in the Latin-American federations, which while not involving principles of federalism may be of sufficient interest to merit passing mention. Foremost among these may be noted the provisions found in all four of the Latin-American federations, as well as in the states organized on the unitary plan, requiring the countersignature of a minister or ministers for every act of the executive. This is one example of the influence exerted by European, especially by French, principles of governmental organization on the Latin-American states. Another example of the same sort is the insertion of provisions expressly granting to the President the power of supplementary legislation, by executive ordinance or decree. Such a power has not only not been expressly granted to the President of the United States in the Constitution, but has been developed only to a very slight degree when compared with the European practice. A third feature of interest found in Mexico and Venezuela is the abolition of the office of Vice-President. In both of these countries the office formerly existed on the American model, but was abolished in the newest constitutions. The same development has occurred in the most recent constitutions of Uruguay and Peru and has been advocated in other Latin American countries. It is rather curious that whereas in the United States the Vice-Presidency has been ridiculed as an insignificant and useless office, there seems to be a marked tendency in Latin-America to abolish it as a dangerous institution.

ators[4] but the device of partial renewal has been followed in all but one, Venezuela. An interesting departure from our own practice in the composition of the Latin-American federal senates is the equal representation of the federal district in Mexico, Argentina, and Brazil. In the constitution of the lower chamber the principle of representation of the states according to population has been followed, and the election is by direct popular vote as in this country. The most important departure from the American practice, is to be found in the fact that suffrage and elections for national officers are regulated by federal constitutional and legal provisions, and not left as in the United States (subject of course to the provisions of the fourteenth, fifteenth and nineteenth amendments) to the individual states. Of interest also, in the composition of the lower house of the national legislature, is the universal practice in the Latin-American federations of according to the federal district representation in proportion to population. These provisions with regard to the federal district are in marked contrast to the treatment accorded in this country to the District of Colombia, the inhabitants of which are completely disfranchised for national as well as local elections.[5]

In the relations between the executive and legislature the provisions of the United States Constitution have been pretty accurately followed in the Latin-American federations, save in Venezuela where the president is not only elected by the Congress but enjoys no power of veto. On the other hand in Venezuela the president is not subjet to impeachment by the Congress, but by the Supreme Court. But the power of intervention, the power to declare a state

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[4]Nine years in Argentina and Brazil, four years in Mexico, and three years in Venezuela.

[5]Other interesting departures in the organization of the lower house of the federal legislature in Latin-American states are the three year terms in Venezuela and Brazil, and the four year terms with partial renewal in Argentina. Minority representation for elections to the lower house is prescribed in the Argentine and in Brazil, and in Venezuela and Mexico the constitution provides for the election of alternates for each of the deputies chosen.

of siege, and the political importance of the president, make him an even more powerful factor in the government of the Latin-American federations than he is in the United States of North America. This fact is perhaps sufficiently emphasized by the constitutional prohibitions on re-election, in Argentina and Brazil until after the expiration of an equal term, and in Mexico perpetually.[6]

In the organization of the federal judiciary, the Latin-American constitutions have in general followed rather faithfully the provisions of our own fundamental law. There are interesting variations, it is true, such as the selection of the judges of the Supreme Court by Congress in Mexico and Venezuela, the office of the *procurador general*, and others. But while these departures from the North American model afford further evidence of the readiness of the Latin-American states to modify our institutions to suit their own circumstances, they do not involve any of the elements or principles of federalism and hence need not be further considered here.

In taking up the second main head of the considerations of the federal form of government in Latin-America, namely the constitutional distribution of powers between states and nation, we come at once to the most important and the most difficult of presentation of these chief divisions. As a comparison in minute detail of the distribution of powers in the four Latin-American federations with such distribution in the United States is manifestly beyond the limitations of such a presentation as this only some of the more general and outstanding phases of the question will be presented.

A word may be said at the outset regarding the origin of the powers of the states in the various federations, as this has been adopted as one criterion of true federalism by some political scientists, notably by German jurists. From this point of view a true federation exists when the powers of the component units are original powers, whereas

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[6]In the latest constitution of Venezuela this very general Latin-American prohibition has been omitted.

a devolution of powers by a central government to its subdivisions will never result in the establishment of a true federation no matter how extensive such devolution may be. In the formation of the United States of North America, it will be recalled, the revolutionary elements in the individual colonies conceded to the Continental Congresses certain powers, and to the Confederation under the Articles of 1781 still further powers. The Constitution of 1787 likewise was essentially a surrender of powers by independent entities to the federal government, the powers retained by the states being inherent and original, not derived, powers. In the Latin American federations the situation was somewhat different. In Brazil, for instance, the provinces under the Empire possessed no inherent powers and there was never an interval during the brief period of transition from the unitary empire to the federal republic in which the provinces exercised independent powers. Similarly in Mexico the centralized power of the Spanish viceregal government was assumed by the revolutionary government of Iturbide, and there was no interval of time between the beginnings of the revolutionary movement in that country and the establishment of the empire in which the provinces were independent sovereignties. The calling of the Constituent Assembly and the federal constitution of 1824 were, therefore, acts of a central authority conceding powers to the component parts of the later federation. The situation was similar in Venezuela, where the first steps towards independence were taken by a revolutionary junta at Carácas which succeeded to the powers of the deposed captain-general and called a constituent congress composed of representatives from the various districts which framed the first federal constitution. These districts had no independent existence either during the colonial period or under the first revolutionary government. Moreover, the federal constitution of 1811 never actually went into effect because of the virtually complete suppression of the revolutionary movement and the re-establishment of Spanish authority in the following years. Under the first real government following the final expulsion of the Spaniards, not merely the

provinces of Venezuela, but the former captaincy-general itself exercised only such limited powers as Bolívar consented to accord them. In the Argentine the situation was somewhat different. The provinces of the River Plate, were, it is true, united at the close of the colonial period under the jurisdiction of the viceroy of Buenos Aires, and did not, like the British colonies of North America, constitute separate entities directly under the control of the overseas government. But the revolutionary junta of 1810 was itself a body composed of representatives of the capitals of the provinces and of the districts within them. The provisional government of 1811 was a federal type of government and the declaration of independence of 1816, like our own declaration of 1776, was the act of representatives of the individual units within the former vice-royalty. The situation there, approached, therefore, more closely than in the other instances that in the United States of North America.

Turning now from the question of the origin or source of powers to an examination of their nature and extent, it may be noted first of all that the declaration of the tenth amendment of the Constitution of the United States[7] is reproduced in essence, and even in almost the same phraseology in the constitutions of the Latin-American federations.[8] In the three Spanish American federations, what-

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[7]"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people."

[8]Constitution of the Argentine Nation, Art. 104: "The Provinces retain all the powers not delegated by the present Constitution to the Federal Government, and those which they expressly reserved, through special agreements at the time of their coming into the Union."

Constitution of the United States of Brazil, Art. 65: "The States shall have the right * * * to use in general any power or right, not denied to them by a provision, expressed or implied, of the Constitution."

Constitution of the Mexican Republic, Art. 124: "All powers not expressly vested by this Constitution in the Federal authorities are understood to be reserved to the States."

Constitution of Venezuela (1914) Art. 19: "The States * * * retain full sovereignty so far as not delegated by this Constitution * * *."

ever may be said of the origin of the powers of the states, the constitutional theory holds that the states are bodies of reserved powers and the nation a government of delegated powers. In Brazil the states are at least authorities of general powers, while the federal government is an authority of enumerated powers. It is to be noted, however, that the Constitution of Brazil expressly announces the doctrine of implied limitations on the powers of the states.

In this survey of Latin-American federations the consideration of the actual extent to which governmental powers have been conferred upon the federal government on the one hand and denied to the states on the other will be limited to a summary of the more important features in which they depart from the North American model.

In the Argentine the chief variations from the North American model consist in a more complete and extensive enumeration of the powers of the federal government. So the nation is expressly authorized to impose export duties; to establish a national bank; to promote industry; mining, railroads and canals; and to grant subsidies to needy provinces.[9] Of much greater significance than any or all of these powers, is the express delegation of power to the national congress to enact civil, commercial, penal and mining codes. This power of uniform legislation is one of the most potent of unifying factors, the absence of which in the United States of America has been increasingly deplored. Of interest, but of relatively little importance, is the power of the federal government in the Argentine in relation to the Roman Catholic church, which the constitution makes it the duty of the nation to support. Perhaps the most fundamental distinction between the position of the federal government in the Argentine and in this country flows from provisions of the Argentine constitution which are in wording very similar to provisions in our own federal instrument. These are contained in Articles 5 and 6 and are of sufficient importance to merit quotation in full:

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[9]The states are called by their old names "provinces" in the Argentine.

Article 5. "Each province shall adopt its own constitution, which shall provide for the administration of justice in its own territory, its municipal system, and primary instruction, such constitution to be framed upon the republican representative plan, in harmony with the principles, declarations, and guarantees of the national constitution. Upon these conditions, the federal government shall guarantee to each province the enjoyment and exercise of its institutions."

Article 6. "The federal government shall have the right to intervene in the territory of the provinces in order to guarantee the republican form of government or to repel foreign invasion; and when requested by the constituted authorities, to maintain them in power, or to re-establish them if they shall have been deposed by sedition or by invasion from another province."

This language does not necessarily confer upon the federal government in the Argentine any powers which could not have been construed out of the corresponding provisions in the Constitution of the United States.[10] But, whereas in the United States, this provision has never been made the basis of intervention by the federal government in the internal affairs of the states, in the Argentine there have been no less than fifty instances of active intervention by the union, either to uphold existing state authorities or to supplant them, acting under one of the clauses of Articles 5 and 6 quoted above. The result has been, of course, to make the provincial or state governments quite subordinate politically to the national government, and particularly to the national administration, since the president may order intervention on his own motion if the congress is not in session. The significance of this feature of the Argentine federal system in differentiating it from our own can hardly be overemphasized.

Finally, there remains to be mentioned the fact that in the Argentine, the federal government is given express

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[10]Art. IV, Sec. IV. "The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the Executive (when the legislature cannot be convened) against domestic violence."

power to declare a state of siege in the whole or any part of the republic in case of foreign invasion or domestic disturbance, with the consequence of suspending the individnal guaranties. This power, exerciseable by the congress, or by the president and the senate in case of foreign invasion, or by the president alone during the recess of the congress, has been exercised on numerous occasions, and constitutes an important federal power not possessed by the national government in the United States.[11]

Important respects in which the Argentine system follows our own in the distribution of powers between states and nation include the federal character of the citizenship and the power of the federal juciary to determine questions concerning the relative powers of the two governments.

In Brazil, as in the Argentine, the federal government is given a larger extent of powers than is conferred on the Union by the Constitution of the United States. Chief among such powers may be mentioned the power to determine the conditions and methods of elections for federal offices throughout the country; the power to grant subsidies to needy states; the power to enact codes of civil, commercial, and criminal law and procedure; the power to declare a state of siege involving the suspension of the individual guaranties; and the power of the federal government to intervene in the affairs of the states in order to repel foreign invasion or the invasion of one state by another, or to maintain the republican form of government, or to re-establish order and tranquility in the states at the request of their respective governments, or to secure the execution of federal laws and judgments. It will be seen at a glance how closely the provisions of the constitution of Brazil resemble those of the Argentine constitution in these respects. Moreover, in the exercise of these powers the practice in Brazil

[11]The power of the federal government under Art. 8, Sec. 9, par. 2 of the U. S. Constitution to suspend the privilege of the writ of habeas corpus in cases of rebellion or invasion when the public safety may require it, is neither so broad, nor has it been invoked in any such manner in the United States, as has been the case with the above mentioned provision of the Argentine constitution.

has followed closely the developments in the Argentine. This is especially true of the power to grant subsidies to needy states, a power which, it is true, is also exercised in the United States, though without express warrant of the Constitution, in the practice of granting federal aid for education and road building, but which in Brazil as in the Argentine has resulted in a very large measure of dependence on the federal government by the economically weaker states. Similarly, the power of federal intervention has been used in Brazil in such a way as to subordinate the politics of the states to those of the national government. On the other hand it may be noted in passing that the power to tax exports, which in the United States is forbidden both to the nation and to the states, and which in the Argentine is granted to the federal government, is in Brazil expressly left to the states.

In Mexico we find variations from the division of powers as between state and nation established in the United States which present somewhat the same situation as in Argentina and Brazil. But the Mexican constitution presents peculiar features of its own which merit mention even in the briefest survey. The legislative power of the federal government extends beyond the limits indicated in the United States, to include legislation on all matters relating to mining, commerce, and institutions of credit. It will be noted that this grant is less extensive than the ones commented on in discussing the legislative powers of the congress in the Argentine and Brazil. On the other hand the whole domain of public health with extensive police powers is assigned in Mexico to the federal government. Furthermore, all general means of communication are in Mexico made subject to federal jurisdiction. The express power to establish secondary and higher institutions of learning is given in Mexico as in the Argentine and Brazil to the federal government, a power which the federal government in the United States possesses only by implication. The power of federal intervention in the political affairs of the states is expressed in the Mexican constitution as well, though there the power is intrusted to the senate. The Mexican consti-

tution, not content with prescribing a republican form of government for the states, goes into considerable detail prescribing the qualifications, term of office, and ineligibility to re-election of state governors, the minimum number of representatives in the state legislatures and their election by single member districts, and the organization and powers of the free municipalities to be established within the states. Furthermore, the state governors are bound to publish and enforce the federal laws, and both they and the members of the state legislatures are liable to impeachment by the national House of Representatives for violation of the constitution and the federal laws.

The power of suspending the personal guaranties is lodged in Mexico in the hands of the president and the council of ministers, and gives the federal authorities a powerful weapon of control over local affairs. Perhaps the most interesting features of the recent constitution of Mexico are the provisions laying down the basic principles of social legislation by which the state and national governments are to be guided, and the provisions relating to the national ownership of all minerals and fuels. This last-named provision is found in the famous Article 27 which has been the subject of so much discussion in connection with the diplomatic relations between the United States and Mexico.

In Venezuela the legislative power of the federal government includes the power of enacting general codes of law and procedure, thus reproducing the broader legislative powers of the federal governments in the other Latin-American federations, as contrasted with the situation in the United States. As in Mexico, the federal constitution prescribes in detail the form of government which must be adopted by the states. The control of education is expressly vested in the federal government. The power of suspending the constitutional guaranties, save the one prohibting the death penalty, is lodged in Venezuela as in Latin-America generally in the executive. A power of federal intervention is granted in less comprehensive terms in the Venezuelan constitution, being limited to the power of using the military forces of the union in case of armed

conflicts between the states, and in case of armed rebellion in any one of the states. But this power, combined with the power of suspending the constitutional guaranties, affords an opportunity for federal interference with local conditions which has not been employed in the United States of America. In Venezuela as in Brazil and Mexico the state governments are designated as agencies for executing the national constitution and laws, and the presidents and other high officials of the states are impeachable before the federal supreme court.

The manner of amending the federal constitution, though properly one aspect of the division of powers between states and nation, is sufficiently distinct and of sufficient importance to warrant its consideration apart from the other aspects of that phase of federalism discussed above. Indeed, the relative participation by the nation and the states in the process of changing the federal constitution, has been regarded by some jurists as the true criterion by which to determine whether a given government is a real federation or a unitary government with a large measure of autonomy in the constituent parts. For this reason the amending process in the Latin-American federation will be considered in comparison with the provisions of our constitution in that regard.

In the Argentine the states as such do not share in the amending process at all. The national congress by a two-thirds vote declares the necessity for amendment and a special convention called for that purpose frames and adopts the amendment, without the necessity of ratification.[12] This is closely analogous to the system of constitutional amendment adopted in the unitary government of France, though there the legislature in joint assembly acts as the constituent convention. In Brazil the initiative in proposing amendments is granted to two-thirds of the states if petitioning within a year by majority votes of their legislatures. But the national congress, by petition of one-fourth of the members of either chamber may also initiate

[12]Constitution of the Argentine Nation, Art. 30.

amendments, if approved by a two-thirds vote in both chambers. But in either case such amendments are not declared adopted until approved in the following year, after three readings, by a similar vote in the congress. In that case they become effective without ratification by the states or the people thereof.[13] In Mexico the amending process is patterned more closely on our own, for amendments adopted by a two-thirds vote of both chambers of the congress must be approved by the legislatures of a majority at least of the states.[14] The share of the states in the amending process is greatest in Venezuela where the states both share in the initiative (by action of three-fourths of the state legislatures) and have the power of final ratification of all amendments whether proposed by the states or by the congress. In the former case ratification by a majority of the state legislatures is sufficient. In the latter case the approval of three-fourths of the legislatures is required.[15] The Venezuelan plan approaches most closely, therefore, that of the United States so far as participation in the amending process is concerned, whereas in Argentina and Brazil the states as such scarcely function in the amending process. In this connection it must be pointed out, moreover, that as the federal courts have not even in the Argentine attempted any extensive use of the power to declare laws of the national congress unconstitutional and invalid, there exists the possibility of changes or amplifications of the constitution occurring by the simple process of legislation. This is by no means an uncommon occurrence in the countries of Europe where the doctrine of judicial supremacy has not been accepted, and examples of national laws passed in the ordinary process of legislation which are really more or less marked amendments to the constitution are not unknown in the Latin-American federations. In this way the

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[13]Constitution of Brazil, Art. 90. In Brazil not only the equal representation of the states in the Senate, but also the federal republican character of the government are put beyond the power of amendment.

[14]Constitution of Mexico, Art. 135.

[15]Constitution of Venezuela, Arts. 130-134.

already large control over alterations in the fundamental relations between the states and the nation which is possessed by the federal authorities in those states may be still further increased.[16]

From the foregoing presentation of the organization and powers of the federal government in the Latin-American constitutions, it will have become sufficiently clear that as a whole it may be said that the principle of centralization has been carried much farther in Latin-American federations than in our own. This is true if only the formal texts of the fundamental instruments are concerned. It is even more true, however, if the actual workings of the government are examined. Some idea of the way in which the balance of power has been inclined toward the central government in those countries has already been conveyed in the reference to the exercise of the powers of federal aid, federal intervention, and the power to declare a state of siege. A no less important factor in this centralization is the dominant position of the executive in Latin-America. He has in the Latin-American federations virtually all the legal authority enjoyed by the president of the United States. But in a political way his position is vastly stronger, and as authority exercised by one man is much more effective than when divided among a number this paramount position of the executive has inevitably resulted in more centralization of power in the national government than if the congress, comprising as it does representatives of the states, shared more largely in the actual political powers. It is not surprising, therefore, to find that in the Latin-American federations many voices are being raised against the eclipsing of the states by the federal government, a protest the like of which is heard even in this country of relatively extensive states' rights.

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[16]It must not be overlooked, of course, that in the United States of America this expansion of the Constitution has also been carried on by a federal agency, namely the Supreme Court in its decisions. But here at least it requires participation by the three independent branches of government to accomplish such an end.

NEWS AND NOTES

PREPARED BY IRVIN STEWART[1]

ARGENTINA

With a large majority of the immigrants coming from the working classes, immigration has reached a point equalled only by the period just prior to the war.

The chairman of the American Chamber of Commerce at Buenos Aires has issued a statement that American interests already established in Argentina are in jeopardy as a result of the carelessness and apathy of industrial and financial interests in the United States.

A new political party, the Concentracion Nacional, has been formed by a combination of groups of Conservatives and Democrats arrayed against the Radical party now in power. Norberto Pinero, former minister of finance and one-time minister to Chile, has been selected as its candidate for president.

The house of representatives has passed an act providing that national insurance for all citizens earning more than 6,000 nacionals a year shall be compulsory. This insurance includes as minimum benefits the age pension, pension for the disabled, insurance for illness and for maternity. The quota to be paid by the employer and the employe will be determined by the amount earned.

According to recent statistics, the population of the country is 8,689,516.

A bill designed to restrict the consumption of alcoholic beverages has been introduced in the house of representatives. If the bill is passed, after January 1, 1923, no alcoholic beverages containing any ingredient other than the product of fermented grapes, apples, and pears may be sold in Argentina.

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The Argentine army has contracted with E. I. du Pont de Nemours & Co. for more than a million dollars worth of ammunition, the first order of its kind to be given to an American firm.

The government has instructed its various legations to offer credit to all countries with which Argentina has diplomatic relations, the credits to be used in the purchase of Argentine products.

BOLIVIA

The Bolivian government is negotiating with the Stifel-Nicolaus Investment Company of St. Louis and associated bankers a loan of $25,000,000, with a view to stabilizing foreign exchange and to consolidating both the internal and external debt.

It has been announced that Bolivia will employ, as in the instance of Peru, an American financial adviser to take care that the taxes and customs duties attached to the foreign debt shall be promptly and fully collected.

BRAZIL

Three contracts, totaling $6,000,000, have been awarded by the Brazilian government, one to an American company and the other two to British concerns, for irrigation works in the northeastern part of the country.

The State of Rio Grande de Sul is spending on good roads the proceeds of a $10,000,000 loan negotiated in the United States.

All the important republics of America, including the United States, have agreed to participate in the Brazilian World's Fair to celebrate the centenary of Brazilian independence. It has been stated that the American building will be a permanent structure, to become the home of the embassy after the close of the exposition.

The Brazilian federal congress has enacted a law prohibiting gambling in public and limiting it to clubs, water re-

sorts, and other places far from the centres of population. The executive has been authorized to undertake the work of linking the telegraph and railway lines of Brazil with those of Paraguay and Bolivia.

CENTRAL AMERICAN UNION

Although the revolution in Guatamela was predicated upon opposition to the Republic of Central America, in accordance with the constitution senators were elected on January 7 to represent Guatamala in the federal senate. It soon became evident that the Orellana government would not participate in the union, and on January 14 the union flag flying at Guatamala City was replaced by the Guatamalan flag. Guatamala's action left only two of the five republics in the union; and largely because of this, on January 29 the Provisional Federal Council sitting at Tegucigalpa, Honduras, voluntarily dissolved itself. The action of the Provisional Council was followed by Honduras, when that country on February 1 resumed its status as an independent republic under its former constitution.

CHILE

On December 12, Chile addressed a note to Peru proposing that the plebiscite provided for under the treaty of Ancon—to determine the sovereignty of Tacna and Arica—be held immediately. An exchange of notes followed, but an agreement for a meeting of plenipotentiaries at Washington failed of adoption largely through Peru's insistence that the negotiations should be preliminary to submitting to arbitration all the provisions of the Ancon treaty, while Chile maintained that direct negotiations should be abandoned only on failure of the plenipotentiaries to reach an agreement on the basis of the protocol governing the plebiscite by which the attribution of Tacna and Arica shall be decided. A contributing cause to the suspension of negotiations was the Bolivian claim of a right to participate. On January 17 Secretary Hughes sent identical notes to

Peru and Chile inviting them to send representatives to Washington in an endeavor to reach an agreement on the unfilled clauses of the treaty. Both nations have accepted the invitation.

The Chilean government has announced its intention of calling the fifth Pan-American Conference to meet at Santiago in September, 1922.

The government of Argentina has communicated its agreement to the convention for a single management in the operations of the Chilean and Argentine branches of the Transandean Railway.

COLOMBIA

Senor Pedro Nel Ospina, the Conservative candidate for president, was elected on February 12. The election, which was necessitated by the resignation of President Suarez in November, 1921, because of congressional opposition to his policies, was participated in by the Liberals for the first time since 1885; and the results show that the party must be reckoned with in the future. The successful candidate is a graduate of the University of California.

CUBA

The house of representatives on December 7 adopted a resolution declaring it would be "a friendly act if the United States would withdraw troops stationed in Cuban territory since the beginning of the war." The removal of the troops was ordered by Secretary Denby on January 26.

Opposition to the Fordney tariff bill has been widespread, public demonstrations being held throughout the country. That economic ruin for Cuba will follow the bill has been freely predicted.

ECUADOR

A recently formed National Merchants Association aims to create a single body of business men throughout the republic, with the purpose of protecting its associate in foreign trade, to improve and modernize commercial legislation, and to create in Guayaquil an information office for the service of opersons or firms abroad interested in entering the Ecuadorian market.

A syndicate to take charge of the collection of taxes on brandy, salt, tobacco, and other articles has been formed by private capitalists with the help of a limited company offering shares to the public.

In connection with the agricultural exposition to be inaugurated on May 26 as a part of the observance of the centennial anniversary of the Battle of Pichincha, offers of space for demonstrations have been tendered foreign firms, especially those dealing in farm implements and livestock.

HAITI

The United States senate committee investigating the American naval administration in Haiti and Santo Domingo has recommended that American troops should not be withdrawn at present. The report exonerates the marines of charges of atrocities, urges a definite policy, while making it clear that annexation is not intended, and advocates the centralization of American control and the extension of road building and educational and military work. Appointment of a high commissioner, to whom both civil and military authorities should report, continuance of the treaty forced upon Haiti, and maintenance of the American civil staff were recommended.

In spite of the Haitian opposition to the continuance of the treaty and to the appointment of a high commissioner, Brigadier General John H. Russell was appointed high com-

missioner to clear up the situation concerning American occupation.

MEXICO

Recent cabinet changes have resulted in the appointment of General Francisco R. Serrano as minister of war to succeed Enrique Estrada who took the agriculture portfolio, following the resignation of Antonia Villareal.

According to a dispatch from Mexico City, Spain, Holland, France, Great Britain, and Italy have accepted Mexico's invitation to appoint members of a mixed claims commission to assess damages to foreigners for losses incurred during the revolution.

In the election of the permanent commission on December 30 to act during the recess of congress, the Social Democratic bloc triumphed over the Liberal Constitutional Party, of which President Obregon is head. The election in the chamber of deputies was accompanied by considerable disorder.

On January 11, Supreme Court Justice Donnelly of New York dismissed a suit brought by the Mexican Government against the Lebertan Corporation for breach of contract, on the ground that Mexico has not been recognized by the United States.

Thomas F. Lee, executive director of the National Association for the Protection of American Rights in Mexico, was forced to resign as a result of a letter in which he promised aid to any "aggressive Mexican" in an attempt to overthrow Obregon.

Norway recognized Mexico on January 18.

NICARAGUA

The government has authorized a loan of $3,000,000 to start work on the construction of a railway to extend from the populous west coast to the Atlantic. At present Nicaragua's most important means of communicating with

Europe and Eastern America is the Panama Canal.

Following considerable agitation and some strife in Managua a new contingent of American marines has relieved the one hundred men formerly stationed there. In the future the navy department will follow the policy of stationing men at Managua for only short periods.

A petition has been presented to the Nicaraguan congress asking the government to negotiate with the United States for the withdrawal of the marines.

PANAMA

Panama's independence, after eighteen years of separation, was finally recognized by Colombia on December 24 when the chamber of deputies at Bogota passed the treaty with the United States.

PERU

Congress has passed a bill authorizing the executive to contract a foreign loan of 700,000 pounds giving as guarantee the oil export tax.

A concession has been granted to an English company for the construction of 1500 miles of railroad.

With the hundred-thousand-pound loan for the payment of several months salaries to customs employes and the approval by the executive of the plan presented by the American expert in charge of the reorganization of customs services, rapid improvement is expected of the commercial life of the country.

A presidential decree forbids the crossing of the national boundaries at below 3000 meters for any foreign airplane or other airship, establishing at the same time a protective zone of 12,000 meters breadth. Any foreign aircraft trespassing beyond these limits will be suspected of espionage, and will be dealt with by force and its crew taken prisoners.

SANTO DOMINGO

The senate committee which investigated conditions in Haiti also inquired into affairs in Santo Domingo and advised against the removal of American troops. The con-

dition laid down by President Harding last summer—that elections be held under American auspices and that a loan floated by American bankers be validated—had not been fulfilled. Horace G. Knowles, formerly United States minister to Santo Domingo issued a statement denouncing the report and citing cases of abuses resulting from American control.

NEWS AND NOTES

EDITED BY FRANK M. STEWART

University of Texas

THE ANNUAL MEETING OF THE SOUTHWESTERN POLITICAL SCIENCE ASSOCIATION

College and university professors of political science, economics, history, and law, public officials, representatives of quasi-public organizations, and citizens interested in public affairs gathered at the University of Oklahoma, Norman, Oklahoma, March 23-25, 1922, to attend the Third Annual Meeting of the Southwestern Political Science Association.

The first day's sessions were devoted to a discussion of economic problems. At the morning session, Professor D. Y. Thomas presided in the absence of Mr. George Vaughan, president of the association, who was unable to attend. After an address of welcome by President S. D. Brooks of the University of Oklahoma, papers were read by Mr. G. B. Treat for Mr. J. W. Shartel, vice-president and general manager of the Oklahoma Railway Company, on "Relation between Investment Values and Rate Making"; by Mr. Carl Williams, editor, Oklahoma Farmer-Stockman, on "Cotton Growers' Associations"; by Professor B. Youngblood, director, Texas Agricultural Experiment Station, on "The Position of Ranching in Our National Economy"; and by Mr. John A. Simpson, president, Oklahoma Division of Farmers' Educational and Cooperative Union of America, on "Cooperative Marketing in the Southwest." After the presentation of the papers, the delegates engaged in discussion until adjournment for the luncheon conference.

Professor D. Y. Thomas presided over the luncheon conference and discussion was confined to methods of instruction in economics, sociology, and political science.

The afternoon session of the first day was a continuation of the discussion of economic problems and was presided over by Professor A. B. Adams of the University of Oklahoma. The program consisted of papers by Professor A. L. Carlson of Oklahoma Agricultural and Mechanical College, on "The Relation of Prices of Agricultural Products to Bank Failures"; by Professor A. B. Cox of the Texas Agricultural Experiment Station, on "Intermediate-Time Credits for Agriculture"; and by Mr. Campbell Russell, chairman of the Corporation Commission of Oklahoma, on "The Railroad Rate Situation in the Southwest."

The principal address of the evening session of the first day was delivered by Judge C. B. Ames of Oklahoma City, formerly Assistant United States Attorney-General, on "Article Eight, League of Nations Covenant, and the Washington Conference." Professor John Alley of the University of Oklahoma presided.

"International Relations" was the general topic for discussion at the morning session on Friday, with Dean Julien C. Monnet of the University of Oklahoma presiding. Professor John Alley of the University of Oklahoma read a paper on "Stumbling Blocks to Pan-Americanism"; and other papers were read by Professor Herman G. James of the University of Texas, on "Federalism in Latin-America"; by Professor D. Y. Thomas of the University of Arkansas, on "Our Relations to Mexico"; and by Mr. S. W. Swenson of the University of Oklahoma, on "China's Case in the Washington Conference."

On Friday afternoon the program was devoted to general problems in the field of political science, with Professor D. Y. Thomas of the University of Arkansas presiding. Papers were read as follows: "The Awakening of Asia, Industrially and Religiously," by Professor A. S. Hiatt, Oklahoma Agricultural and Mechanical College; "Education, The Hope of Democracy," by Mr. F. G. Swanson, of Wichita Falls, Texas; "The Oklahoma Primary Election System," by Mrs. Miriam Oatman-Blachly, Norman, Oklahoma; "A Single House Legislature," by Professor Emma Estill, Central State Teachers' College, Edmond, Oklahoma;

"The Oklahoma Legislature," by Mr. M. H. Merrill, University of Oklahoma; "The Extension of the British Legal System into Australia," by Professor L. S. Hamilton, University of Arkansas.

Professor C. P. Patterson of the University of Texas, national president of Pi Sigma Alpha Fraternity, was the principal speaker at the dinner for the delegates on Friday evening.

The concluding session of the meeting was held on Saturday morning. Professor Adams of the University of Oklahoma presided over the section devoted to "Public Law." The program consisted of papers by Professor J. B. Cheadle, University of Oklahoma, on "Judicial Review of Administrative Determination"; by Mr. Tully Nettleton of Norman, Oklahoma, on "The Political Philosophy of Justice Holmes in Respect to Freedom of Speech and Freedom of the Press"; by Professor Roscoe Harper of the University of Oklahoma, on "The Declaratory Judgment"; by Mr. Murray Holcombe, Norman, Oklahoma, on "Can A Governor Be Mandamused?," and by Professor C. P. Patterson of the University of Texas, on "Judicial Reorganization in the Southwest."

The annual business meeting of the association was held on Friday at 12:30 p.m., with twenty-one members present. Second Vice-President Blachly presided in the absence of President Vaughan and First Vice-President Dealey. The minutes of the preceding business meeting were read and approved.

Professor Herman G. James of the University of Texas, associate editor of the *Quarterly*, reported on the status of the official publication, on behalf of the editor, Professor Charles G. Haines of the University of Texas, who was unable to attend.

A motion was carried that a committee should be appointed to consider the question of getting financial support for the association from the educational institutions in the Southwest. The chairman appointed on this committee the following: Professor D. Y. Thomas, University of Arkansas; Professor A. L. Carlson, Oklahoma Agricul-

tural and Mechanical College; Professor Emma Estill, Central State Teachers' College of Oklahoma; Professor Dora Stewart, Southwest State Teachers' College of Oklahoma; Professor J. P. Comer, Southern Methodist University; Professor W. A. Jackson, Baylor University; Professor F. F. Blachly, University of Oklahoma, and Professor H. G. James, University of Texas.

The secretary-treasurer reported on the membership and finances of the association. The report showed a total membership of 177 (5 contributing, 15 sustaining, 117 active, and 40 libraries) a net gain of 63 members, and a balance of $154.92 cash on hand. A statement of the University of Texas appropriation account for the *Quarterly* was read, showing a balance of $85.59 available for expenditure before September 1, 1922.

An amendment to the constitution of the association, approved by the executive council, to change the name of the association to "The Southwestern Political and Social Science Association" was defeated by 10 ayes to 7 noes, a two-thirds vote being necessary to amend the constitution. A motion was carried that it was the sense of the body that the name of the association should be changed to "The Southwestern Social Science Association."

Election of officers for the ensuing year 1922-1923 was next taken up. Professor H. G. James, chairman of the Committee on Nominations, submitted the nominations as follows: for president, Judge C. B. Ames, Oklahoma City; for first vice-president ,Mr. George B. Dealey, of Dallas, to be reelected; for second vice-president, Professor F. F. Blachly, University of Oklahoma, to be reelected; for third vice-president, Professor D. Y. Thomas, University of Arkansas, to be reelected; for elected members of the executive council, Professor E. T. Miller, University of Texas, to be reelected, and Professor J. P. Comer, Southern Methodist University. The meeting elected all of the persons nominated.

All members present promised to be responsible for se-

curing five new members before the next meeting of the association.

The executive council at its meeting following the adjournment of the business meeting elected Professor H. G. James of the University of Texas, editor of publications, to succeed Professor C. G. Haines, who asked to be relieved. Mr. Frank M. Stewart of the University of Texas, was reelected secretary-treasurer. The officers selected at these two meetings, together with Ex-President A. P. Wooldridge of Austin, Texas, and Ex-President, George Vaughan of Little Rock, Arkansas, constitute the executive council. All members of the advisory editorial board were reelected. The members are: Professor F. F. Blachly, University of Oklahoma; Professor D. Y. Thomas, University of Arkansas; Professor M. S. Handman, University of Texas; Professor C. F. Coan, University of New Mexico, and Professor J. M. Fletcher, Tulane University of Louisiana.

Dallas was selected for the meeting place in 1923, the exact dates to be determined later.

The committee appointed at the business meeting to secure financial support for the association from the southwestern schools, held a meeting after the adjournment of the business meeting with all members present.

It was agreed that members of the committee should try to secure from their institutions a maximum sum at the rate of ten cents per student enrolled.

Notes from Arkansas

PREPARED BY DAVID Y. THOMAS
University of Arkansas

The byproduct of some of the road legislation of the last legislature is now being reaped. A good many special road districts created in 1919 were abolished in 1921. In some cases the commissioners had let the contract and now the contractors are sueing for breach of contract, basing their claims on expected profits. Several cases have been decided in the lower courts in which damages were awarded, but much lower than the contractors demanded. The suits

reveal the enormous profits which they had hoped to make. Appeals are being taken by both parties.

The chancellor of Sebastian County has declared unconstitutional a special law levying a poll tax of $4.00 for roads in a part of the county and has directed the collector not to collect it.

A member of the state tax commission, Mr. Monroe, disappeared some time ago, leaving a shortage in accounts. Governor McRae has announced that he will not fill the vacancy unless necessary in order to legalize some act of the commission. This is one of the commissions which he sought to have abolished or reduced to one member at the session of the last legislature.

Governor McRae has announced that he will have prepared a tax bill for presentation to the next session of the legislature (1923) which he believes will raise sufficient revenue to meet all needs of the state, including increased school fund and pensions, without any additional property tax. So far he has offered nothing very definite.

Last year the Argenta Special School District board employed J. P. Strickland, a negro, to teach a negro school in the district at a salary of $990. Later, before the school had begun, they dismissed him on the ground that his services were unsatisfactory. He sued for his salary and the Supreme Court has ruled that he should have it, the board having no right to abrogate its contract except for immorality or unfitness. As he had not begun to teach, they could not have judged of his unfitness at the time the contract was abrogated.

Notes from Texas

PREPARED BY THE EDITOR OF NEWS AND NOTES

CHIEF JUSTICE RESIGNS.—On November 16, Chief Justice Nelson Phillips of the Supreme Court resigned effective at once to enter private practice in Dallas. He had served on the bench of the Supreme Court of Texas for more than nine years, being appointed associate justice in April, 1912.

He became chief justice of the court on May 29, 1915, upon the death of Chief Justice T. J. Brown. Attorney-General C. M. Cureton was appointed by Governor Neff to fill the vacancy.

WOMEN BARRED FROM JURIES.—Women can not legally serve on grand and petit juries in Texas, the Court of Criminal Appeals has held in reversing judgment on several cases appealed from McLennan County. The grand jury returning the indictments was composed of ten men and two women. The court pointed out that the section of the constitution and the laws relating to the qualifications of jurors specifically state that "grand and petit juries shall be composed of twelve men." This is the only known instance in Texas where women have ever sat as members of a grand jury.

VOTING MACHINE INSTALLED IN HOUSE OF REPRESENTATIVES.—An electric voting machine has been installed in the House of Representatives and will be ready for any called session before the regular session in January, 1923. The machine "will register the vote of each member, show absentees, calculate the totals and make three pictures of the completed roll call for record purposes. An electric bulb flashed before the House will show how each member voted and confirm the member's intentions. Different colors are used for the affirmative and negative votes."

It is claimed that a vote of the House can be taken in seven seconds. The oral roll call now used in the House requires from twelve to fifteen minutes to complete. Ten days could have been saved in the regular session by the use of this machine.

CONFERENCE ON CITIZENSHIP, EDUCATION, AND HOME WELFARE.—A conference on citizenship, education, and home welfare was conducted at the University of Texas, under the auspices of the Bureau of Extension, from March 6 to March 10, 1922. The conference was held at the request of the Texas Federation of Women's Clubs, Texas Congress of Mothers and Parent-Teacher Associations, and the Texas League of Women Voters.

EDUCATIONAL CONFERENCE HELD.—On February 11, representatives of educational interests in Texas, met with Governor Neff in a "Think-Out-Loud Conference," called by the Governor several weeks previously. Those in attendance at the conference were the members of the Board of Regents of the University of Texas, Agricultural and Mechanical College, College of Industrial Arts, normal school board of regents; presidents of the state educational institutions; legislative committee on survey of educational institutions; president and retiring president of the Texas State Teachers' Association; presidents of the Texas Congress of Mothers and Parent-Teacher Associations, Texas Federation of Women's Clubs, and Texas League of Women Voters; the State Superintendent of Public Instruction, and several members of the legislature.

After an all day session, at which various proposals to improve the educational system were discussed, the conference adjourned without adopting any definite program of action. It is understood that another conference will be held in May, when the legislative committee to investigate the educational institutions is expected to report.

LOAN FOR PRISON SYSTEM.—After several months of negotiation with Texas bankers and others, a loan of $700,000 has been arranged to finance the prison system until the sale of its 1922 crops. The money comes from the Brown-Crummer Company, investment bankers of Wichita, Kansas. The interest rate is 7 per cent and no bonus or other expense was incurred in securing the loan. The loan must be repaid by February 1, 1923, but not sooner than October 1, 1922. The prison system has been without cash since about the middle of December. The legislature last year refused to appropriate $879,000 requested by the Governor and Prison Commission to finance the system until the sale of the 1922 crops.[1]

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[1]See *Southwestern Political Science Quarterly*, Vol. II, p. 268.

PERSONAL NOTES

At the social science section of the Texas State Teachers' Association, held at Dallas, Texas, November 24-26, 1921, papers were read by President W. B. Bizzel of the Agricultural and Mechanical College of Texas, on the Kenyon-McFadden bill providing a system of rural credits and multiple insurance, and by Mr. Frank M. Stewart, secretary-treasurer of the association, on "The Purposes and Possibilities of the Southwestern Political Science Association." The proposal to expand the work of the association to include all of the social sciences was discussed and the general principle approved. Professor Wm. Board of the Oak Cliff High School, Dallas, was elected chairman of the social science section for next year. A committee was appointed to solicit membership for the section.

Professor Charles G. Haines of the department of government of the University of Texas attended the seventeenth annual meeting of the American Political Science Association at Pittsburgh, Pennsylvania, December 27 to December 30, 1921. Professor Haines presented a paper before the foreign and comparative government section on "Ministerial Responsibility versus the Separation of Powers."

"Administrative Reorganization, with Special Reference to Arkansas," is the title of a bulletin by Professor D. Y. Thomas of the department of history and political science of the University of Arkansas, issued by the General Extension Division of the University of Arkansas.

Mr. A. P. Wooldridge, ex-president of the association, has been appointed receiver for a national bank at Cleburne, Texas.

Mr. J. H. Bass, instructor in government in the University of Oklahoma, has resigned to accept a position with the legal department of the Federal Trade Commission.

Mr. M. H. Merrill has been appointed instructor in government in the University of Oklahoma.

Professor P. O. Ray of Northwestern University deliv-

ered two lectures on "Election and Ballot Laws" and "Nominating Systems" before the Conference on Citizenship, Education, and Home Welfare, held at the University of Texas, March 6-10, 1922.

The Tenth Annual Convention of the League of Texas Municipalities will be held at Waxahachie, Texas, May 17 and 18, 1922.

A conference upon the "Teacher-Problem in Texas" will be held at the University of Texas, April 21 and 22, 1922.

Professor Grove Samuel Dow, head of the department of sociology in Baylor University, has resigned, effective at the end of the present academic year.

On January 1, 1922, the Bureau of Government Research of the University of Texas was affiliated with the Bureau of Extension, becoming a division of the Extension Bureau. The work of the division will be under the supervision of the chairman of the department of government and the director of the Bureau of Extension.

The first biennial national convention of Pi Sigma Alpha Fraternity was held at the University of Oklahoma, Norman, Oklahoma, on March 24, 1922, in connection with the Third Annual Meeting of the Southwestern Political Science Association, with representatives of the local chapters of Oklahoma and Texas present. National officers elected for the ensuing biennium are: Professor C. P. Patterson, University of Texas, president; Gladys Dickason, Norman, Oklahoma, vice-president; L. C. Bray, Lawrence, Kansas, vice-president; Irvin Stewart, Austin, Texas, secretary; Cecil Chamberlain, Austin, Texas, treasurer. The Alpha Chapter of the fraternity was organized at the University of Texas in 1920. The Beta Chapter is at the University of Oklahoma, and the Gamma Chapter at the University of Kansas. Preliminary steps have been taken for the establishment of chapters at Harvard University, Columbia University, Southern Methodist University, Baylor University, and the University of Nebraska.

MEMBERS OF THE SOUTHWESTERN POLITICAL SCIENCE ASSOCIATION

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California State Library, Sacramento, California.
California University Library, Berkeley, California.
Carnegie Public Library, Pittsburgh, Pennsylvania.
Carnegie Library, San Antonio, Texas.
Cincinnati Public Library, Cincinnati, Ohio.
Cleveland Public Library, Cleveland, Ohio.
Connecticut State Library, Hartford, Connecticut.
Converse Memorial Library, Amherst College, Amherst, Massachusetts.
Dallas Public Library, Dallas, Texas.
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Enoch Pratt Free Library, Baltimore, Maryland.
Georgia University Library, Athens, Georgia.
Harvard College Library, Cambridge, Massachusetts.
Indiana University Library, Bloomington, Indiana.
Iowa State Library, Law and Legislative Reference Department, Des Moines, Iowa.
John Crerar Library, Chicago, Illinois.
Kansas University Library, Lawrence, Kansas.
Little Rock Public Library, Little Rock, Arkansas.
Michigan University Library, Ann Arbor, Michigan.
Minneapolis Anthenaeum, Minneapolis, Minnesota.
Minnesota State Library, St. Paul, Minnesota.
Missouri University Library, Columbia, Missouri.
Montana University Library, Missoula, Montana.
Nebraska University Library, Lincoln, Nebraska.
New Mexico University Library, Albuquerque, New Mexico.

New Orleans Public Library, New Orleans, Louisiana.
New York Public Library, New York, New York.
Newberry Library, 60 W. Walton Place, Chicago, Illinois.
Northwestern University Library, Evanston, Illinois.
Oklahoma University Library, Norman, Oklahoma.
Oregon State Library, Salem, Oregon.
Oregon University Library, Eugene, Oregon.
University of Pennsylvania Library, Philadelphia, Pennsylvania.
Phillips University Library, 22 East Broadway, East Enid, Oklahoma.
Slocum Library, Ohio Wesleyan University, Delaware, Ohio.
Southern Methodist University Library, Dallas, Texas.
Southwestern State Teachers' College Library, Weatherford, Oklahoma.
Southwestern University Library, Georgetown, Texas.
St. Louis Public Library, St. Louis, Missouri.
St. Paul Public Library, St. Paul, Minnesota.
Tulane University Library, New Orleans, Louisiana.
Vanderbilt University Library, Nashville, Tennessee.
Washington University Library, St. Louis, Missouri.
Wisconsin State Library, Madison, Wisconsin.
Wisconsin University Library, Madison, Wisconsin.

SUMMARY OF MEMBERSHIP

Contributing	5
Sustaining	17
Active	124
Libraries	47
Total	193

Texas	94	California	3
Oklahoma	37	Illinois	3
Arkansas	9	Iowa	3
Missouri	5	Louisiana	3
Massachusetts	4	Minnesota	3

Ohio	3	Other states	13
Pennsylvania	3	District of Columbia	1
New Mexico	2	China	1
Oregon	2	Mexico	1
Wisconsin	2	Spain	1

BOOK REVIEWS

RECENT BOOKS ON LATIN-AMERICA

Mexico and the Caribbean, edited by George H. Blakeslee, Clark University (New York, 1920), pp. 363; *Mexico and Its Reconstruction*, Chester Lloyd Jones (New York, 1921), pp. 330; *The Federal System of the Argentine Republic*, Leo S. Rowe (Washington, 1921), pp. 161.

Mexico and the Caribbean is the title of a volume containing the addresses given during a conference upon Mexico and the Caribbean at Clark University in May, 1920. It is divided into two major portions, as the title indicates, the first dealing with Mexico and the second with the Caribbean. The discussion of Mexico includes fifteen different papers by Americans and Mexicans, which are grouped under the five main headings of Fundamental Factors, Pacific Problems, Recent Conditions, The New Mexican Government, and American Policy. The papers are extremely interesting, because of the different points of view set forth therein, but of course the presentation manifests the disadvantages of such a compilation as well as the advantages, in that a certain continuity is sacrificed, in spite of the grouping of related topics. Indeed, in some cases, as in the discussion of American intervention in Santo Domingo and Haiti, opposing views are set forth. The volume is a distinct contribution, not only to a general understanding of the fundamental factors involved in the so-called Mexican question and the question of the Caribbean, but also, and more especially, to instructors in the field of Latin-American affairs, whose work has been severely handicapped by the lack of just such material as is contained in this volume. To the editor, Professor George H. Blakeslee, of Clark University, all teachers of the subject are very greatly indebted.

In *Mexico and its Reconstruction* Dr. Jones gives a comprehensive presentation of the situation in Mexico today. Every phase of Mexican life—industrial, commercial, finan-

cial, and social—is considered in detail, with references to standard works, official documents, newspaper articles, and private expressions of opinion by men qualified to speak on the subject. Three papers are devoted to the government of Mexico, three to Mexican finance, four to the Mexican laborer, four to transportation and commerce, two to the position of the foreigner in Mexico, and two to the relations between the United States and Mexico. While much has been written in recent times in English on various phases of the Mexican situation, few such publications are as dispassionate and well-balanced as Dr. Jones' discussion. A bibliography of selected materials relating to Mexico adds to the value of the book for American students, and the work as a whole constitutes another important contribution to the available material suitable for use in college classes.

The Federal System of the Argentine Republic, by Leo S. Rowe, Director-General of the Pan-American Union, issued by the Carnegie Institution at Washington, is more distinctly a contribution in the field of political science than either of the other two books. In fact, until the appearance of Dr. Rowe's monograph, there was almost no material available in English on the government of Argentina. Because of the federal character of its government, such a study is even of more interest to American students of political science than would be a description of one of the unitary states. The historical back-ground of the Argentine federation is given in sufficient detail to furnish the necessary understanding of the present conditions without being swamped by a lot of statistical and political historical information. Of special importance in the study and of special interest to American students is the discussion of the practice of federal intervention, which has been so determining a factor in differentiating the constitutional practices in the Argentine from that in the United States of North America. If similar treatments of the governments of the other major states of Latin-America were made available in English, the difficulties of the college teacher desiring to give students a clear picture of governmental con-

ditions among our Latin-American neighbors would be much simplified.

University of Texas. H. G. JAMES.

GRAHAM, STEPHEN. *Europe—Whither Bound?* New York: D. Appleton and Co., 1922. Pp. 224.

This volume represents the close observations of a well known traveler and student of world politics. His graphic pictures of the life of the capitals of European nations from Athens and Constantinople via Vienna, Warsaw and to Paris and London have a flavor of freshness and vividness that make one feel that he has almost stood on the street corners of these cities, visited their cafés, parks and theaters and made a firsthand analysis of their peoples and conditions.

The picture in general is that of a people giving its attention primarily to sports, social debauchery and the frivolities of life with only secondary notice to economic and governmental problems. For the most part a crusade is being waged against unpopular government, because the politicians and statesmen being of inferior character are leaving the administration of government to the civil service. The civil service, army and police are the main agents of government.

The touch that one receives from this book is stimulating. The author while poignantly depicting the surface of public affairs in Europe is optimistic enough to believe that this finest creation of human achievement ,the pride of christian culture, will yet meet the demands of the problems of reconstruction. The author, although a Britisher, sees considerable confederation in continental European life.

BERDAHL, CLARENCE A. *War Powers of the Executive in the United States.* University of Illinois Studies in the Social Sciences, Volume IX, Nos. 1 and 2. Urbana, Illinois. University of Illinois. 1920. Pp. 296.

This is one of the most timely studies of recent months, coming at a time when executive functions are being sub-

jected to rigid examination. There is a need for such a study, especially in the United States, because executive powers can not be adequately determined from the constitution.

This volume consists of fifteen chapters, arranged under the major headings of (a) powers relating to the beginning of war, (b) military powers in time of war, (c) civil powers in time of war, and (d) powers relating to the termination of war. The general tenor of the volume is to reveal to the careful student of national administration the almost absolute character of the war powers of the American president. He can begin a defensive war (pp. 70-1), place the resources of the nation at his disposal by his power to recognize a "state of war" and to take the proper measures of defense. This is shown not only to have been the practice of our chief executive but also the holdings of the Supreme Court (pp. 76-77). It is also pointed out that a formal declaration of war by Congress is in the main under the control of the executive. The situation is usually one in which Congress is practically forced to follow the president. The conduct of and termination of war are equally in his power. It is the president who wages war and who initiates steps to close war. The conclusion is that the president is a "constitutional dictator."

Official documents, unofficial collections and writings, general treatises and special articles are the basis of the study. It is true that the author quotes extensively and primarily summarizes the material on his subject, but he has nevertheless produced a most valuable work for students of national administration. The average citizen should be familiar with the information contained in this study. A series of such studies on the various powers of the American executive is a prerequisite to a general treatise that would make clear the exact character of the American presidency.

University of Texas. C. P. PATTERSON.

KIMBALL, EVERETT. *State and Municipal Government in the United States.* Boston: Ginn & Company, 1922. Pp. X, 581. $3.00.

A large number of texts have been written dealing with the whole field of United States government; that is, national, state and local, or national and local. Separate volumes have also appeared from time to time having to do with national, state, county, or municipal government. Another author now presents us with a combination of state and local government.

The author of this work is Professor of Government, Smith College. It is apparent that he has been thinking out his special problems as a teacher of government in the light of educational aims determined by modern "citizenship" philosophy. His attempt to interpret the idea that "the life of an American citizen is affected more often by the agencies of local government than by those of the national government" is commendably successful.

The book is divided into five parts, with thirty chapters, numbered consecutively. Chapters one and two make up part I, dealing with the constitutional basis of the state. From the student's viewpoint, with a limited understanding of government, chapter one explains more clearly the relation of state and national government than the corresponding discussion in the author's "National Government of the United States." The limited treatment of the state constitutions, chapter two, will call for a great deal of supplementary material.

Part II, including four chapters, is devoted to political parties and politics. Following in logical order, there are nine chapters which make up part III, dealing with the "Organization and Functions of State Government." To the reviewer, chapter thirteen, "Legal system of the states," is not out of place. As the author suggests, some may doubt the "propriety" of this chapter, but such explanations are necessary to the proper understanding of the work of the state courts.

Part IV deals with county and town government. The three chapters that make up this part of the book are used as a connecting link for state and municipal government. Part V, Municipal Government, is composed of twelve chapters. The first two chapters are introductory and might have been omitted in a combination work of this kind, giving wider scope to the more important phases. The whole of part V presents a standard treatment of American municipal government.

Colleges that give an entire course to the study of national government, but do not give courses dealing entirely with local or municipal government will welcome this combination for use to complete the field of United States government. It will not only fill a useful place as a college text but will also be of use to organizations and individuals in their efforts to understand more of the government under which they live.

The author has avoided many of the faults found with his book on National Government. The work is not too technical to be of real value as a text following an elementary college course in national government. While the footnote references to material used are fairly complete, the entire work should be further strengthened by a general bibliography at the close, or, bibliographies at the close of each chapter.

Baylor University. W. A. JACKSON.

HAINES, C. G. and HAINES, B. M. *Principles and Problems of Government.* (New York: Harper & Brothers. 1921. Pp. XVI, 597.)

The purpose of this book, namely "to present an approach to the study of government through the avenue of principles and problems," has been sustained. The authors have been concerned to give the historical background for the study of principles and problems, to state problems for discussion rather than for information, and to encourage the formation of political judgments rather than the development of

memory. Direct methods of investigation of government are suggested. The book is interesting and pedagogical. It is well organized in its respective divisions and has satisfactory footnotes, also supplementary readings at the close of each chapter. For purposes of illustration, the authors use primarily the national government of the United States, but references are made to other governments for purposes of comparison.

The book is divided into four parts: Part I, Chapters I-III, introduces the study of the principles and problems of government, including theories as to the origin of the state, definition of political terms, and the relation of the study of government to other subjects. Part II, Chapters I-III, discusses the problems of public control of government, including public opinion, political parties, and the merit system. Part III, Chapters I-VI, develops the principles and problems of government organization and administration, including constitutions and constitution making, principles and problems of federal government, parliamentary versus presidential system of government, problems of legislative organization, problems of executive organization, and problems of judicial organization. Part IV, Chapters I-IV, presents some special problems in the operation of government, including the budget, the regulation of public utilities, international relations, and the functions of government.

The reviewer is of the opinion that part one should include a chapter on sovereignty and one on forms of government, and that the chapter on the functions of government should be transposed from part four to part one, thus laying a better foundation for the subsequent chapters. The supremacy of the judiciary in the governmental organization of the United States is not given due emphasis, and international relations should be given more prominence.

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